



Supplementary Planning Document
London Borough of Merton



Planning Obligations

July 2006



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Albanian

Nese deshironi me shume informacion ne gjuhen tuaj, ju lutemi te na kontaktoni ne adresen e dhene ne kutine me poshte.

Arabic

إذا أردت معلومات إضافية بلغتك الأصلية الرجاء الاتصال بنا
في العنوان المدون ضمن الإطار أدناه.

Bengali

যদি আপনার নিজের ভাষায় লেখা আরও তথ্য চান তাহলে দয়া করে
আমাদের সঙ্গে যোগাযোগ করুন, তার বক্‌সে আমাদের ঠিকানা রয়েছে।

Chinese

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Farsi

اگر مایل به اطلاعات بیشتر به زبان خود هستید، لطفاً با ما از طریق آدرس زیر تماس
بگیرید.

French

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Gujarati

જો તમને તમારી પોતાની ભાષામાં વધારે માહિતી જોઈતી હોય, તો કૃપા કરીને
નીચે અંતમાં આપેલા ખાનામાં દર્શાવેલા સરનામે અમારો સંપર્ક કરો.

Punjabi

ਜੇਕਰ ਤੁਸੀਂ ਪੰਜਾਬੀ ਵਿਚ ਹੋਰ ਜਾਣਕਾਰੀ ਲੈਣੀ ਚਾਹੁੰਦੇ ਹੋ ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ
ਹੇਠ ਲਿਖੇ ਖਾਨੇ ਵਿਚ ਦਿੱਤੇ ਪਤੇ 'ਤੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।

Somali

Hadii aad u baahan tahay faahfaahin intaa kabadan oo ku soobsan afkaaka
hooyo ama Af Somali fadlan lana soo xiira cinwaanka hoos ku qoran.

Spanish

Si usted desea mas informacion en su propia lengua, por
favor contactenos en la direccion al pie del formato.

Tamil

உங்கள் மொழியில் மேலதிக தகவலைப் பெற விரும்பினால், அடியிலுள்ள
பெட்டிக்குள் தரப்பட்டுள்ள விவரத்தில் எம்முடன் தொடர்பு கொள்ளுங்கள்.

Urdu

اگر آپ اپنی زبان میں مزید معلومات حاصل کرنا چاہتے ہیں تو براہ کرم
ہم سے اس پتے پر رابطہ قائم کریں جو کہ نیچے کے بکس میں درج ہے۔

Information is also
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Section 1

Policy Background and approach

Introduction

- 1.1 The aim of this document is to set out Merton Council's approach when seeking Planning Obligations by amplifying the policies in the adopted Unitary Development Plan (UDP) 2003. It is to be adopted as a Supplementary Planning Document (SPD) under the new regulations of the Planning and Compulsory Purchase Act 2004. Therefore in future it will form part of the Local Development Framework (LDF) and support the relevant policies in the Core Strategy Development Plan Document (DPD). These policies will be developed in accordance with the timetable set out in the Local Development Scheme (LDS).
- 1.2 The current system of obtaining benefits from developments is guided by Circular 05/2005. They are commonly referred to as Section 106 agreements (s.106), being the relevant section in the 1990 Town and Country Planning Act. This sets out the legal and procedural framework which the Circular amplifies. Essentially it is an agreement between a local authority and a developer to mitigate or compensate against the impact of a proposal or to meet a policy objective. For example, affordable housing is a policy objective whereas a financial contribution may be required to compensate the need for deficiency in local amenity space.
- 1.3 But planning permission should not be granted based on unrelated benefits offered by the developer that do not make the proposal any more acceptable in planning terms. Planning permission will not be granted for unacceptable development.
- 1.4 Following consultation Circular 1/97 has been replaced and updated by Circular 05/2005. The revised Circular aims to improve clarity and certainty for the developer therefore speeding up the process by encouraging the use of formulae and standard charges. The process has been criticised in the past for being slow and uncertain. It also aims to improve transparency and accountability which will be further aided by the introduction of monitoring requirements. This SPD has been based on circular 05/2005.
- 1.5 The increasing amount of development in the borough and throughout London should also be recognised as important in demonstrating the need for this document. In Merton the number of decisions made in 2004 was 2848. This number has been rising steadily. In 2001, 2584 decisions were made. This increasing level of development, particularly residential has a variety of impacts that should be mitigated for. In theory this should be required for all developments but there are some exceptions which are set out below in paragraph 1.27.
- 1.6 However there is a further review and update of guidance underway that is being conducted in light of the recommendations made by the Barker review of housing. This has recommended an overhaul of the system for planning contributions made by developers. The Barker review was carried out on behalf of the Treasury and reported in Spring 2004. The aim was to investigate the supply of housing and the effect it was having on prices and affordability. One recommendation made by the report was to introduce a completely new system, a planning gain supplement, which would replace the current system. An announcement is expected later this year.

- 1.7 Therefore following the guidance in Circular 05/2005 the overall objective of this SPD is to:

Provide a clear framework for assessing the requirement, calculating and completing planning obligations for developments in the borough in order that a baseline figure for negotiation can be obtained.

- 1.8 The document has undergone consultation in accordance with PPS 12 and the Councils approved Statement of Community Involvement.

Policy Background

National Policy

- 1.9 Circular 05/2005 continues to use the original set of tests that were set out in the previous circular. Therefore, a planning obligation must be:
- Relevant to planning
 - Necessary to make the proposed development acceptable in planning terms
 - Directly related to the proposed development
 - Fairly and reasonably relate in scale and kind to the proposed development
 - Reasonable in all other aspects
- 1.10 Planning is now required to be more spatially aware, ensuring sustainable development as set out in both Planning Policy Statement (PPS) 1: Delivering Sustainable Development and PPS 12: Local Development Frameworks. This requires planning authorities to go beyond the traditional land use planning role and take into consideration other plans and projects and dynamic issues than they have previously considered. This document intends to support this by encouraging the consideration of various spatial considerations.
- 1.11 PPS1 encourages sustainable development to be treated in an integrated way during the creation of development plans. As part of this it encourages planners to take full account of the need for transparency, information and participation. But it also recognises the potential adverse impact that proposed development may have on people who do not directly benefit from the development. This it recognises is an area where planning obligations can be used to ameliorate such impacts.
- 1.12 PPS 12 recommends that a spatial approach should be followed whereby those areas of policy which cannot solely be implemented by land use planning are also recognised in Local Development Frameworks. Supplementary Planning Documents are designed to expand or provide further detail to policies in a Development Planning Document or a UDP.

London Plan Policies

- 1.13 The London Plan otherwise known as Spatial Development Strategy is the statutory development plan for the region and provides strategic guidance for the London Boroughs whose UDP's, LDF's should be in general conformity. **Policy 6 A.5 states that Boroughs should set out a clear framework for negotiations on planning obligations in UDPs.** The plan supports the pooling of funds where appropriate for strategic needs. In particular it recognises the importance of obligations in providing for affordable housing, education, health and strategic transport needs.

- 1.14 Policy 6A.4 provides guidance on the areas of priority for planning obligations that the Mayor would like to see. It states:
“...Affordable housing and public transport improvements should generally be given the highest importance with priority also given to learning and skills and health facilities and services and childcare provisions...”

Local Policies

- 1.15 Planning obligations should be in line with current planning policy in the borough’s Unitary Development Plan (UDP) and emerging Local Development Framework (LDF). They must be fairly and reasonably related in scale and kind to the proposed development. Planning obligations should aim to mitigate the effects of the development where the development is otherwise acceptable but they should not be used to make an unacceptable development acceptable in planning terms. The relevant policy in the adopted UDP is Policy ST.36: Community Benefits. This states that the council will: **seek to secure, through planning obligations, community benefits in accordance with relevant policies in the plan, taking account of current government guidance and the circumstances of each development.**
- 1.16 Further to this Policy F2: Planning Obligations states that **The Council will require a planning obligation where necessary to make a proposal acceptable in land use planning terms.**
- 1.17 The Community Plan should be considered by any policy document produced by the Council. Consultation Version 1 of Merton’s Community Plan sets out the Framework for the period 2005 – 2015 and is the “Plan of Plans” for the local area. It sets out the objectives for Merton’s community aspirations for this period. Funding provided by development through Planning Obligations can help deliver many of the expected outcomes of this plan.
- 1.18 Table one sets out which headings in Section 3 cover the various topic areas in the Community Plan.

Table 1: Community plan heading/relevant SPD section comparison

Community Plan Topic	Section Heading
Sustainable Communities	Sustainable Communities (p33), Transport (p25), Compensation for Loss of Employment Land, (p29), Education (p17), Open Space (p19) and Waste & recycling (p31)
Safer Communities	Crime (p34)
Healthier Communities	Health Care (p34)
Children and Young People	Education (p17)

The Structure and Objective of this guidance

- 1.19 The structure of this Supplementary Planning Document (SPD) is aimed at making the process as clear as possible in order that the developers, the community and the relevant stakeholders within and outside the council can be clear on what the system will require. The objective for this SPD is set out in the Introduction. The table in appendix 1 summarises the contributions expected for various thresholds of development for the areas of contribution that will be expected in the borough. Section

3 will deal with each area of contribution in more detail. Section 2 will detail the procedure for preparing a s.106 agreement.

The Status of this SPD and the approval process

- 1.20 This document will be a material consideration when determining planning applications. It has undergone a period of public consultation where the document was widely publicised and circulated to relevant groups inviting comments. It was approved by the Cabinet on 17 July 2006 for adoption.

Types of Planning Obligations

- 1.21 A planning obligation can be an agreement between the developer and the Council or a unilateral undertaking given by the developer to the Council to undertake various works or make financial contributions. These are required to mitigate unacceptable impacts that arise from the development.
- 1.22 A distinction should be made between two different causes for a contribution. The first can be seen as negative where the council will be asking for a contribution to make up for the loss of land or a facility where it is not possible to replace them - a compensatory contribution. However the majority of cases will require contributions that mitigate. This is where facilities and infrastructure are required that are deemed necessary as a consequence of the development.
- 1.23 A financial obligation can either be a one off payment or on-going. Where a facility is provided as part of the obligation it may be necessary for maintenance payments to be made, this could be in perpetuity or not, depending on the facility. Guidance in Circular 05/2005 indicates that where the facility is to be used by the public and therefore will benefit the wider community and not just those associated with the development there should be a limit put on the length of time the on going payment runs. This is termed "pump priming" and reflects the time necessary for public funding streams to catch up.
- 1.24 The ODPM have produced a study on Standard Charges that was published in November 2004. Standard charges are generally based on specific formulae and methodologies as a means to securing planning obligations. The borough aims to instigate a methodology for a variety of standard charges within this SPD as they are encouraged in Circular 05/2005.

Affordable Housing

- 1.25 PPG 3 and Circular 6/98 give significant weight to the implementation of affordable housing through the use of a Section 106 agreement. This is a prescriptive obligation affecting the types and mix of housing development. The Mayors London plan, the Spatial Development Strategy for Greater London, has a strategic target of 50% provision of affordable housing which London boroughs should take account of. Of this proportion of affordable housing it is the Mayor's objective that 70% is social housing and 30% intermediate housing. The Councils target is 30% affordable housing as at the time of UDP adoption the London Plan had not yet been adopted therefore the Council was not able to incorporate the higher target. Merton will be seeking to review this target in the LDF. It is a non-negotiable policy requirement that is applied borough wide and is supplemented by a draft Affordable Housing SPG. This includes more detail on the mix of housing expected from the affordable housing provision within developments.

- 1.26 Due to the importance of Affordable Housing as an issue it will not be covered by this document as it warrants an individual SPD. It will also very much depend upon the future policy that will form part of the Core Strategy DPD which will be reviewed according to the timetable set out in the LDS. Following adoption of the LDF the existing Supplementary Planning Guidance on Affordable Housing (1999) will be updated.

Exemptions and Size Thresholds

- 1.27 There is variation in the ability of different types of development to pay for contributions. There are forms of development that should not be charged for technical or practical reasons. They include the following:
- Permitted Development – minor development that does not require planning permission eg putting up a small garden shed or fence below a certain height
 - Ancillary consents such as advertising, conservation area consent and listed building consent
 - Community facilities that are provided on a not for profit basis
- 1.28 These are the basic exemptions for minor development. Contributions for larger developments maybe based on the developments size. However the size of a development should not be the only factor used to ascertain whether a development makes a contribution. A small development may have a greater impact than one double its size. Any contribution is intended to mitigate this impact in order to make the development acceptable in planning terms. Setting thresholds may preclude the ability of the Council to ask for contributions for a development beneath the threshold which may result in the applications refusal. Therefore it will be left to the case officers discretion as to when a development requires an obligation.
- 1.29 This potentially means that any development apart from those listed in paragraph 1.27 could require an agreement.

Major Developments

- 1.30 Where an application for a major development is made it will be expected to follow the formulas and advice set out in this document. However it is expected that in special cases it maybe necessary for the proposal to make unexpected contributions due to a site specific situation. For example a development may make specific demands on the transport infrastructure or be in an area where there is extreme pressure on the school infrastructure or an area deficient in open space and therefore a larger contribution will be expected.
- 1.31 This is why the objective for the SPD makes clear that the value resulting from the combination of formulas in this guidance will be a baseline figure only, particularly where the development is unusually large for the borough. In these cases the Council wishes to get the amount of contribution right and would want to take site specific issues into consideration to increase or decrease the amount of contribution required depending on viability. An unusually large development for the borough will be defined as one that is over 50 units of residential or 10,000 m² of any other use class (office, retail, industry, community and leisure). It is also likely that this size of development will be developed with a mix of uses which will add to the complexity of the negotiation.
- 1.32 A major development will be defined as per those for the application performance targets used for development control therefore a development that is over 10 units of

residential or an area of 1000m² of any other use class (office, retail, industry, community and leisure).

Planning Conditions

- 1.33 Conditions are used where they relate directly to the actual physical development and its construction on-site. They form part of the grant of planning permission and are reported to committee whereas obligations are covered in broad terms but agreed by a separate legal agreement upon which final grant of planning permission is dependent. Obligations are generally appropriate where whatever is required cannot be secured by conditions eg financial contributions. Conditions are used in preference to an obligation wherever possible as the developer has the right to appeal and the enforcement procedures use planning process.

Pooling

- 1.34 Where a number of developments create the need for new infrastructure a contribution can be pooled for future use in securing the required benefit. This could be used to contribute towards a costly piece of transport infrastructure. For example where one development cannot reasonably be asked to contribute the total cost. Or alternatively, a number of smaller developments in the same area may cumulatively put pressure on health facilities requiring further facilities once they are all completed. In these situations a fund will be set up by the council for these contributions. Paragraph B21 and B22 in Circular 05/05 provides the guidance for this:

“In some cases, individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure. In these instances, local planning authorities may wish to consider whether it is appropriate to seek contributions to specific future provision. In these cases spare capacity in existing infrastructure provision should not be credited to earlier developers.”

- 1.35 Pooling does not have to be limited to within the borough. Where a development affects a neighbouring borough and the wider sub-region it will be necessary to consult and negotiate with the neighbouring boroughs planning officers. Likewise Merton will expect to be consulted on applications in neighbouring boroughs. This will help provide funding for schemes that need pooling and will be particularly the case for transport infrastructure. The Sub Regional Development Framework could be consulted as a source of schemes that may have regional implications.
- 1.36 Pooling may also be practical where a number of developers are involved in the same development over varying timescales. Varying amounts may be required for a certain distinct piece of infrastructure. There may be a case where there is a need for the pooled contributions to go to a separate body from the council such as Transport for London.

Site Briefs

- 1.37 There are a number of sites in the borough where development requires more detailed guidance than that contained in the UDP. This is provided by a site brief, which sets out all the policies relevant to the site and explains how the council would expect to see them applied. The site briefs will contain the likely heads of terms for the s.106 but not how much the contributions will be or how to calculate the amount. Financial contributions will be calculated in accordance with the requirements of this SPD as will any requirement for open space.

Unilateral Undertakings

- 1.38 Whilst more commonly used as a mechanism at planning appeals, particularly Public Inquiries, a unilateral undertaking can sometimes be used as an alternative to a s.106 agreement as part of the process of determining a planning application. The process differs from the s.106 agreement route in that a unilateral undertaking is where the developer submits their proposals for the section 106 without consultation with the authority ie where there is no agreement. The undertaking is submitted unilaterally alongside the planning application and it is down to the authority to determine whether to accept it or not without negotiation. As guidance states it can be used on two occasions; one where there is difficulty in coming to a negotiated agreement and two where the developer can determine the requirements in advance and wishes to speed up the process. The use of unilateral undertakings is something the Council would particularly like to encourage and this is supported by Circular 05/2005.
- 1.39 It is hoped that the contents of this SPD will help developers to assess the likely contributions required for them with minimum negotiation. However it is recognised that some areas such as transport contributions can be very site specific and would therefore need some consultation with the Transport planning section. Once this is completed the unilateral undertaking can then be submitted at the same time as the application thereby getting a decision at the same time. This will save both time and money for both parties.

Updating the SPD

- 1.40 It will be necessary to use up to date financial data in any calculations for planning agreements. The figures in the SPD will be used and updated in line with the LIBOR (London Interbank Offered Rate) rate where necessary each financial year in order that they reflect current costs for the council. The methodology will not be changed unless better methods come to light in which case a full review and consultation will be carried out.
- 1.41 Please consult the Council's Local Development Scheme for details of any reviews.

Section 2

Process and Procedure

Process

- 2.1 This section deals with the procedures that the Council follows when considering s.106 agreements.

Pre Application

- 2.2 Merton would like to encourage developers to enter into dialogue with the planning department in order that the fundamental issues can be identified before the application is made. Further to the advice provided by this guidance, which should help indicate the types of obligation, this would be an opportunity to clarify the likely contributions required. The likely value of a planning obligation contribution maybe particularly important for developers to ascertain before a site is acquired.
- 2.3 The Development Control section provides a pre-application advice service for Major category applications for which a charging regime was introduced in April 2006 for all pre-submission meetings.

Planning Assessment stage

- 2.4 When a planning application is received which the case officer has determined potentially requires a s.106 agreement for approval, officers in a range of departments (relating to the heads of terms) will be contacted. These officers will assess which elements will be included in the future agreement in line with this SPD in order to ameliorate any impacts on infrastructure and public services created by development. A full consultation exercise may be needed which could include; various Council services, the members of the public, local groups, Councillors or other relevant agencies and partners.
- 2.5 If the Councils legal services are involved in these discussions and the subsequent application is refused the developer will be expected to pay their fees.
- 2.6 In cases where large or strategic applications are referable to the Greater London Authority, it is likely that the Mayor will have comments on the content of the agreement. It should also be noted that agreements may have to reflect the findings of any Environmental Assessment undertaken in respect of an application.
- 2.7 As part of the officer recommendation the outline of the Heads of Terms will be detailed in the report to the Planning Applications Committee. This forms the basis for the s.106 obligation. It is also possible for the Council to agree and include at this stage the actual financial contributions for inclusion in the committee report.
- 2.8 It should be noted that for certain sites in the borough, development briefs have been prepared which will already indicate the types of contributions required. These sites will still be presented to committee for consideration.

Committee Resolution

- 2.9 The Planning Applications Committee may agree or disagree with the officers' recommendation. It should be noted that members will not be determining the application on any financial sums that maybe included in the report where they have already been agreed with the developer. Committee members will determine the application on planning issues only. However they will consider the Heads of Terms or categories for the agreement where they have been set out.

Post Committee resolution

- 2.10 Following the Planning Applications Committee's resolution to grant planning permission subject to legal agreement, the Councils' lawyers and planning officers in liaison with the applicants' solicitors will complete the planning obligation (which would include agreements or unilateral undertakings) in the form of a deed. The agreements are registered as a local land charge and the details are available from the planning administration section for a fee. This sets out how much and what the money will be used for.
- 2.11 Planning permission is usually issued on completion of a legal agreement or following receipt of a signed and dated unilateral undertaking. The process has been summarised as a flow diagram in Appendix 5.
- 2.12 There is a formal process for bidding for s.106 sums received. This is managed by the monitoring officer and requires authorisation from the Head of Service bidding for the money and counter signature from the Head of Planning and Public Protection. Bids have to be within the bounds of the signed legal agreement and there are varying levels of approval required. For schemes of £20-£50k approval is delegated to the Director of Environment & Regeneration and for schemes of £50k and above the decision is the responsibility of Cabinet.

Monitoring

- 2.13 The s.106 monitoring officer is responsible for ensuring that the Heads of Terms are received on time and that any financial contributions received are used to fund schemes in accordance with the terms of the Agreement. Having an officer dedicated to this role will also encourage earlier negotiation
- 2.14 Details of the agreement, clauses and triggers are recorded on a database. The legal agreements normally require the financial contributions on commencement of the development. However, in some cases the legal agreement may state that payments should be phased to the various stages of the development or occupation of the site. Some non-financial legal agreements, such as those involving "Green Travel Plan", depending on their nature or terms, require delivery throughout the life of a project. Such cases will need closer monitoring to ensure that all payments have been made or the terms complied with over the agreed period.
- 2.15 Legal agreements would be logged and monitored in order to ensure effective delivery of the contributions and to provide information for interested parties on the outcome of any agreement. This will help to ensure that the process is open and transparent.

Enforcement

- 2.16 If it is evident that the planning obligation is not being complied with the monitoring officer will instigate enforcement action. This would initially involve contacting the developer in writing to remind them of their obligations.
- 2.17 If the sums remain unpaid the council's legal services will be instructed to take appropriate action to secure compliance with the terms of the planning obligation. This could include applying to the Court for an injunction.
- 2.18 To ensure compliance with the obligation, appropriate clauses will be included in the terms of the legal agreement involving interest for the late payment of financial contributions at the rate of 4% above the base rate. This will be written into any planning obligation so that developers are aware of the implications of late payment and agree to the terms.

Monitoring Fees and Professional Costs

- 2.19 To assist in the process a s.106 Monitoring Officer has been appointed by the Council. Their role is to aid negotiation on the s.106 and to ensure that the planning obligations are met within the terms of the agreement.
- 2.20 The Council charges a standard fee for administering and monitoring planning obligations which varies depending on the value of the contribution and the number of obligations. The total value of the obligation excludes the costs set out in this section, these are additional and will be added to the final cost. Each topic area requires a distinct obligation to be drafted. The basis for the costs is set out below and will be updated as and when necessary.

For Agreements with 1 obligation or a contribution of less than £5k a fee of £250 is charged

For Agreements with 1 obligation or a contribution of more than £5k a fee of £500 is charged.

For Agreements with multiple heads, 5% of the monetary contribution plus/or £750 per non-monetary Head of Term.

Large Contributions

With respect to very large contributions a lower percentage of between 2 and 5% of the monetary contribution:

up to £250k (5%)

£250,001 to £500k (4%)

£500,001k and above (2%)

- 2.21 The Council's solicitors in consultation with the relevant planning officer(s) will undertake the drafting of the planning obligations. Developers will be required to pay the legal and professional costs expended in the preparation of the planning agreement. If issues of viability arise and there is a need for the Council to obtain independent valuation advice, it will be expected that the developer would meet the costs for this. Legal and professional costs will be charged at the Council's current hourly rate.

Section 3

Material considerations to be delivered through Planning Obligations

Education

- 3.1.1 This is a recognised and established area for planning obligations as new residential developments create increased pressure and demand on educational provision. The basis for requesting contributions for education is outlined in the UDP

Policy C.13: Planning Obligations for Educational Provision states that where a new housing development will lead to a need for improved or additional educational provision, such provision, or financial contributions towards the facility, will be sought and secured through the use of a planning obligation.

- 3.1.2 In order to assist clarity and certainty for developers a formula approach has been adopted by the council which is based on giving a cost per unit. This cost will only be required where C3 use class for dwelling houses is proposed in a development. The contribution is based on an estimate of the number of children according to the size of the residential unit and the cost of provision of education for a pupil.

Child Yield

- 3.1.3 Child yield is the term used for the number of children likely to be accommodated in dwellings of various sizes. Child yield figures from the Greater London Authority are used (see table 2). These are based on the 2002 London Household survey. This survey does not solely incorporate results from new build housing but all existing housing. It is considered representative enough to form a basis for the calculation. The figures used are for the 1–16 age group for the outer London area for the owner occupied, and private rented tenures. This age range has been split into two, 1-10 and 11-15 to correspond with primary (including Early Years) and secondary education.
- 3.1.4 The total numbers of each child age category have been added up per unit size per tenure and then divided by the total number of households in that unit tenure size to give the child yield for primary and secondary age groups. The complete age range from 1 to 10 has been used as those children below primary school age will require education in the future. Social rented has not been included as the majority of new affordable housing in the borough is filled with existing Merton residents who would generally already be educating their children in the borough.

Table 2: Child Yield and unit size

Number of bedrooms	Child Yield Primary	Child Yield Secondary	Combined Child Yield
2	0.21	0.04	0.25
3	0.35	0.16	0.51
4	0.36	0.17	0.53

Source: Greater London Authority London household survey 2002

Exceptions

- 3.1.5 There will be no contribution expected from one bedroom dwellings or studios as it is assumed that these usually do not support families with children. All dwelling sizes above this will be expected to contribute excluding the affordable housing units. Also, specialist developments for the elderly and housing in multiple occupation (HMO) will not be expected to contribute for the same reason.

Cost Basis for Contribution

- 3.1.5 The basic cost for providing a school place is set out by the Department for Education and Skills (DfES), who prepare a national 'Basic Need cost multiplier' to determine the cost per pupil for building new accommodation. A regional adjustment is then provided for each Local Authority. They are prepared in August/September for the following financial year.

The 2006/7 Cost Multipliers are as follows:

Table 3: Cost of school place

	Standard national figure	Merton cost multiplier (national figure with 11% regional factor)	10% of Merton cost multiplier
Primary	£10,372	£11,513	£1,151
Secondary	£ 15,848	£17,591	£1,759

- 3.1.7 The above figures will be used as the basis for calculations in order that a simple formula can be developed which is not site specific and relying on costings for specific facilities in specific locations. Updated figures from the DfES will apply. The council is aware that there may not be a need for new classroom space throughout the borough all the time. But it recognises that new housing will still add pressure to schooling facilities wherever it is located as the boroughs, surrounding boroughs and London's population is rising and this is predicted to continue.
- 3.1.8 The Council forecasts the supply and demand of school places using existing pupil and school capacity information and demographic forecasts from the Greater London Authority. Projections are formally reviewed on an annual basis every summer, although new information provided in-year can change projections.
- 3.1.9 Merton's Education Department will therefore provide information on whether there is a shortfall in secondary or primary education provision in the borough. When there is a shortfall in either type the 'Merton cost multiplier' figure in Table 3 will be required per unit as a multiple of the relevant child yield.
- 3.1.10 When there is no shortfall in school places for either school type in the borough but improvements are required then the 10% figure will be required per unit as a multiple of the combined primary and secondary child yields. This will be a contribution towards improvements in education facilities in the immediate vicinity of the development.
- 3.1.11 Where new facilities are provided consideration should be given to whether they can be used for other community uses when they are not needed for educational purposes.

Open Space

3.2.1 For the purposes of this document open space is defined as any public land used for the purposes of public recreation. Private or shared amenity areas, for example around blocks of flats, are not included within the remit of public open space. There are, however, standards with regard to private amenity space that Merton requires, as stated in paragraph 3.90 of the adopted UDP (see paragraph 3.2.27).

3.2.2 UDP Policy L.8: Open Space Deficiencies sets out the policy requirement for contributions.

Where a development in an area deficient in open space (indicated on maps 4.2 and 4.3 in the adopted UDP 2003) would lead to pressure for additional recreational facilities, the provision of open space or recreational facilities will be sought. Where it is not possible to achieve provision on site, investment or financial contributions towards the provision of open space or recreational facilities will be sought in the deficiency area.

(Maps 4.2 and 4.3 have been combined into one map - Appendix 3a – Map showing areas deficient in park provision.)

3.2.3 Planning Policy Guidance Note 17 (PPG 17) states that planning obligations should be used as a means to overcome deficiencies in the quantity and quality of open space, sports and recreational provision. The Merton Open Space Strategy (MOSS), prepared in accordance with PPG17, identified several wards deficient in open space. Action Plan 18 in MOSS states the aim of seeking open space or contributions towards open space provision or enhancement to ensure there is sufficient open space to meet demand.

Contributions towards open space deficiency

3.2.4 The Council will normally only seek to secure new open space on or off site where it can be demonstrated that the proposed development is in an area of open space deficiency. This will be determined using the findings of the MOSS (see map in appendix 3a). If a development is within an area of open space deficiency, a contribution to open space on or off site will be required.

On or Off Site provision

3.2.5 Wherever possible, the open space requirement should be provided onsite or in the immediate vicinity, forming an integral part of the development and linking with green chains where possible.

3.2.6 The following criteria provide a guide for deciding whether on site provision is feasible:

- whether the site can physically accommodate open space
- whether the amount provided creates a viable open space
- consideration of requirements of a planning brief in relation to size and location of the open space
- proximity of proposed open space facilities, particularly play space equipment, to housing.

3.2.7 In planning for on-site provision, developers are requested to submit detailed plans with their planning applications showing the open space layout and distribution. If onsite provision of open space is proven to be unfeasible, a financial contribution should be

made to enable the development of off-site provision or the improvement of existing open space. This contribution may be pooled by the Council. (see paragraph 1.33)

- 3.2.8 Where a development creates a new open space the cost of maintenance will be required by the Council unless the developer intends to maintain the space. The developer will need to demonstrate how they will maintain the space if this is the case. The Council will require developers to make contributions towards maintenance for 5 years. Further explanation is provided in paragraph 1.23.

Exceptions for open space deficiency

- 3.2.9 No contributions will be required for non-residential uses.
- 3.2.10 It is expected that only unusually large developments as defined in paragraph 1.31 will be able to provide adequate on-site provision of open space. Therefore it will be assumed that all housing developments under 50 units will provide a financial contribution.

Calculation for open space deficiency

- 3.2.11 The following formula will be used to calculate the contribution.

Number of persons estimated to be occupying the development on completion (to be calculated pro-rata based on average occupancy levels per dwelling, see table 3) multiplied by the annual open space maintenance costs per household.

Table 3: Estimated Average Occupational Density by Dwelling Size (No of bedrooms)

Number of bedrooms in housing unit	Size of household
1 bedroom	1.3
2 bedrooms	2.0
3 bedrooms	2.6
4 bedrooms	3.3
5 bedrooms	3.2
6 bedrooms	2.0

Source: Greater London Authority London household survey 2002

- 3.2.12 Merton currently spends £3,500,000 per year on grounds maintenance expenditure of all its open space and recreational facilities. Assuming current funding levels remain constant, the Council will spend a total of £52,500,000 on grounds maintenance between 2006 and 2021. This 15 year period between 2006 and 2021 corresponds to the period covered by the emerging LDF.
- 3.2.13 Merton's population according to the 2001 Census was 187,908. The Council will therefore spend a total of £279 per person between 2006 and 2021. This figure will be used as a basis for calculating contributions required from developers (see Appendix 2 for a worked example). In line with the objective of this guidance set out in paragraphs 1.7 and 1.31 contributions based on this figure will be the minimum. Larger contributions may be expected from major developments and will be expected from unusually large developments. Pooling contributions in line with paragraphs 1.34 – 1.36 will also be considered where appropriate.

Children's Play Facilities

- 3.2.14 The current UDP Policy L.8: Open Space Deficiencies sets out the policy requirement for contributions.

The council will seek the provision of an adequate level of children's outdoor play facilities throughout the borough and will require provision for children's play, or contribution towards providing children's play facilities in association with new housing developments, as appropriate, particularly in areas deficient in public play facilities. In all schemes with a significant family housing component, the whole environment should be designed so as to permit children to play in safety.

- 3.2.15 The Council is aiming to provide a children's playground within 800m of every home. See Map 3b in appendix 3.

Exceptions for children's play facilities

- 3.2.16 No contributions will be required for non-residential uses.
- 3.2.17 It is expected that only unusually large developments as defined in paragraph 1.34 will be able to provide adequate on-site provision of play space. Therefore it will be assumed that all housing developments under 50 will provide a financial contribution.

Definition of a play space

- 3.3.18 Merton defines a children's playspace as an area that contains five or more pieces of equipment for children's play and seating for accompanying adults.

Contribution calculations for play facilities

Within 800m of existing playspace

- 3.2.19 Development located within 800m of local play space provision will be required to make a financial contribution to enhance and improve existing children's play space facilities. This contribution will amount to a year's maintenance costs of £2,500. This is based on the current annual maintenance cost of maintaining each play space in the borough.

Outside 800m of existing playspace

- 3.2.20 Development not located within 800m of local play space provision will need to ensure that equipped children's play space is provided on-site or nearby to meet the play need arising. The scale and type of facility will be negotiated with Leisure Services. In certain cases the council may require equivalent funds to upgrade play equipment within existing play spaces rather than create new play spaces on alternative sites. It is expected that for many smaller developments it will not be possible to provide play space provision on site. In these cases the Council will require a contribution based on the calculation in paragraph 3.3.19.
- 3.2.21 Where a new facility is provided an annual maintenance fee for 5 years of £2,500/year for the new play-ground will be required. Any new play space facility should be at least 40m away from residential accommodation.

General contributions towards Open Space

- 3.2.22 Where development occurs outside the open space deficiency areas the Council will require contributions from residential applications for facilities improvements and maintenance. This is due to the increased demand for open space facilities as a result

of the increase in population such development causes which leads to a qualitative need to improve open space.

- 3.2.23 The MOSS found that open spaces in general are deteriorating in terms of facilities within them and the quality of facilities. The Council wants to ensure that all open spaces and play facilities in the borough are adequately maintained. In most cases it is anticipated that developers will wish to instruct the Council to maintain any new open space and play facilities. The Council will accept maintenance responsibilities for open space and play facilities where an appropriate commuted payment is received from the developer and agreed by means of legal agreement.
- 3.2.24 Where amenity open space responsibility is not to be adopted by the Council, developers will need to indicate at the planning application stage their procedures for securing an acceptable alternative means of future maintenance.

Calculation for general contributions to open space

- 3.2.25 Development in the areas that are identified to be outside park deficiency shown in Appendix 3a – map showing areas deficient in park provision a contribution will be required based on the following formula.

Number of persons estimated to be occupying the development on completion (to be calculated pro-rata based on average occupancy levels per dwelling, (see table 3) multiplied by the annual open space maintenance costs per household multiplied by 50%

Exceptions for general contributions for open space

- 3.2.26 No contributions will be required for non-residential uses.

Private Amenity Space Calculations

- 3.2.27 Paragraph 3.90 of Policy HS1 in the UDP states that the Council will seek a minimum garden area of 50 square metres as a single useable plot for all new houses and 10 square meters in the case of flats per habitable room. On-site provision of private amenity space can take the form of private individual back gardens, shared private amenity space (for example blocks of flats), roof terraces or balconies. With regard to these alternative forms of provision, if a development scheme is deficient in private amenity space provision there will be a charge of £500 per 10 sq metres of deficiency. This level of contribution will be applied with discretion where the scheme is only just below the threshold.
- 3.2.28 The funding is needed by the Council to fund provision of public open space at a nearby public park so that off-site provision of open space compensates for the lack of usual off-site provision. In addition, Policy L1: Informal Recreation states that the Council will encourage the opening up of areas of private open land for public access and informal recreation. This will be pursued through negotiation and use of planning obligations in relation to applications for development on any land where it is considered appropriate to do so.

General Public Open Space

- 3.2.29 It is acceptable for the Council to consider opportunities for other new public open space in town and local centres where there is a shortage of suitable public space and where new developments would generate further needs.

Links to Other Obligations

- 3.2.30 Public open space can have beneficial effects for the whole community. It is a free resource open all year round with few access restrictions. It can therefore be used to provide health benefits through use for physical exercise and recreation. With appropriate facilities it can be used as a youth resource which can help to affect anti-social behaviour. (See paragraph 3.6.6)

Transport

- 3.3.1 The UDP recognises the importance of encouraging sustainable transport modes as alternatives to reduce congestion and the negative environmental impacts of road travel. This is supported by Government guidance in Planning Policy Guidance Note 13 (PPG13). This requires the authority to reduce the need to travel and improve access to public transport, walking and cycling. This should be particularly the case in areas where there is poor public transport provision. The overall aim is to help reduce the dependence on the private car.
- 3.3.2 In line with Circular 05/2005, PPG13 gives advice for planning obligations stating that authorities should indicate the likely nature and scope for contributions that will be sought for transport improvements. The emphasis for these obligations should be increasing the accessibility to sites for walking, cycling and public transport and other initiatives, particularly where these measures are likely to influence travel patterns to the site.
- 3.3.3 The Mayor's London Plan recognises the importance of the contribution that planning obligations can make towards contributing towards the provision of public transport. The Council is also statutorily required in exercising its functions to have regard to the Mayor's Transport Strategy.
- 3.3.4 The relevant UDP policy is LU.5: Developer Contributions. This states that:

Developers will be required to demonstrate that their development is adequately served by a variety of modes of transport and will not have an adverse effect on transport in the vicinity of the site. Where public transport is inadequate or where the development will require additional facilities to be provided to meet this policy the council will require developers to contribute towards measures in the vicinity of the development to enhance:

- public and community transport services and infrastructure;
- facilities for pedestrians and cyclists;
- on-street parking controls;
- traffic calming/reduction measures;
- access facilities for people with disabilities.

Contributions will be sought through planning obligations where they can be used to overcome the adverse transport impact of the development and such contributions will take account of the type of development and the ability of the transport network to serve the site.

- 3.3.5 There are four main areas where contributions will be sought:
- Highway Improvements
 - Public Transport Improvements
 - Major Transport requirements
 - Sustainable Transport

Highway Improvements

- 3.3.6 Highway improvements are very much site specific. Their cost will vary from development to development depending on locational factors, such as access to the site. It is therefore hard to create an economic formula. It will also depend on the intended use of the development, as this will affect the level of trips associated with the site. However, it can be assumed that where a development creates a significant impact on the highway infrastructure then the Council will seek a contribution to ameliorate this impact.
- 3.3.7 The Council will normally prefer that the developer undertakes the work with the Council or other relevant authority being responsible for inspecting the works. Highway improvements could include the following:
- Junction upgrades/signalisation of junctions;
 - Dedication of land for future infrastructure improvements;
 - Highway/transport infrastructure;
 - Dedication of land as public highway for improved public realm;
 - Minor works including: modifications to waiting/parking restrictions; re-paving of the highway; provision of a pedestrian link through the site; and,
 - Traffic management schemes.
- 3.3.8 Generally, a larger scheme will be required to undertake a Transport Assessment (TA). This is a document that provides a technical assessment for all the accessibility issues and transport implications that may arise due to the development. As noted above the size of the scheme is not the only factor that will be considered as to whether it requires a TA, the use and location are two such other issues therefore a small development may also require a TA in sensitive locations or where there would be high percentage of heavy vehicles. The document forms the starting point for the Council in negotiating the required highway improvement works with the developer.
- 3.3.9 Where appropriate highway improvements should incorporate adequate traffic management measures that help to calm traffic. These create a safer environment for vulnerable road users. Measures such as safe crossing facilities, traffic calming and other junction improvements will be encouraged in appropriate locations. Where appropriate, developments should take into account ease of movement and permeability issues with regards to public transport as referred to in the Design SPD.

Public Transport Improvements

- 3.3.10 Policy PT 1: Local and Regional Needs provides the basis for this section. In addition to highway improvement works, which may upgrade bus stops and facilities support funding may also be sought to subsidise an enhanced bus service, (typically over a three year period). This will occur where the development may influence the existing standard of service through increased ridership or to enhance the level of accessibility by public transport (PTAL). Generally, this will be where a major development is proposed, but will ultimately be dependant on the overall impact of a development. In particular, development located in areas identified for intensification, such as in South Wimbledon and Colliers Wood or where the scale of development in relation to the accessibility level and traffic hotspots may be required to make a contribution.

Major Transport Requirements

- 3.3.11 There are several major transport improvement proposals in the borough. With the exception of the Willow Lane Industrial Estate Northern Access Road these principally relate to the extension of the tram. Two schemes are listed in the current UDP in the Public transport section of Schedule 1 and are identified on the proposals map, these are Sutton to Wimbledon Town Centre and Mitcham Junction to Wimbledon Town Centre. In addition, the council is also developing a third tram scheme from Sutton to Tooting Broadway via Micham and the Willow Lane Industrial Estate.
- 3.3.12 It is likely that where a development may have an adverse impact on the strategic road network or needs a contribution towards a major transport proposal Transport for London will need to be consulted as they may need to co-sign the agreement.
- 3.3.13 If a development is proposed that may affect any proposed route or land needed for them to proceed then there will need to be negotiation to ensure that this land maybe safeguarded for future transport use.

Sustainable Transport measures

- 3.3.14 Contributions towards Sustainable Transport measures will cover both 'hard' and 'soft' options. These are what are now termed smart travel initiatives and as well as including more traditional improvements to walking and cycling facilities there will be other benefits that contributions can aid. For example providing funds to help the council promote awareness packages can cover a wide range of possibilities:

- Travel plan training
- Travel welcome packs
- Free/Discounted use of public transport
- Free/Discounted use of cycle equipment
- Cycle/walking maps
- Kerb awareness schemes
- Public transport information
- Personal travel advice
- Information about access to other services and facilities
- Cycle training
- Community travel website
- Community travel notice board
- Community travel events
- Community travel forum
- Bicycle user groups

- 3.3.15 Contributions that aid hard options can provide for the following variety of measures:

- Walking infrastructure
- Cycling infrastructure
- Cycle parking
- Car free development (see paragraph 3.3.22)
- Provision of bus stops and bus facilities
- On-street parking controls
- Parking management measures
- Parking enforcement
- Improvements to street lighting and CCTV

- 3.3.16 These are just some of the examples that funding could contribute towards. The contribution from each development will be spent in the locality surrounding the site, ideally in the immediate vicinity to ensure its effectiveness in actually benefiting the development in reducing the impact of the need to use the private car and also to lower the overall number of trips.
- 3.3.17 A larger scheme will involve a more comprehensive agreement that in most cases will be tailor made providing for a range of or specific feature that a smaller scheme will not. It is therefore likely that the sort of contributions required for a larger scheme of more than 50 houses for example will incorporate some form of contribution that will aide sustainable transport measures. For example necessary highway improvements can incorporate measures to slow traffic and features that would benefit cyclists.
- 3.3.18 But where schemes are smaller and particularly those where a Transport Assessment is not required a standard contribution will be required. This small scale contribution will be pooled and put towards sustainable transport improvements within the vicinity of the development. However the purpose of the intended improvements will be agreed in the Section 106 agreement in order that the developer can see where the value of the contribution is going.
- 3.3.19 The contribution will be calculated based on a sum of £500 per dwelling. This will be a consistently applied sum. However wherever possible where a specific project is identifiable and costs can be accurately ascertained then a cost per development will be used instead based on the development size and mix of dwelling size. The threshold in Table one will be used. There will be no variation for the number of bedrooms a dwelling has.
- 3.3.20 Site specific contributions will normally be expected for commercial uses in the B Use Class based on individual circumstances, Similarly, changes of use to or developments for A and D Use Class developments will be expected to make a contribution where necessary. Community uses will be assessed on individual circumstances.
- 3.3.21 Contributions for car clubs will be required where there is a large residential development in an area where the PTAL rating is above 3 and there is an established controlled parking zone. ie restricted parking. They will be required to either provide a parking bay or financial contribution to an existing scheme or set up a new scheme where appropriate. Further information on car clubs can be found in the Supplementary Planning Document on Sustainable Transport.
- 3.3.22 Car free developments will have to satisfy the locational requirements of policy PK.6 in the UDP and which requires an obligation to be used to prevent residents from obtaining residents parking permits.
- 3.3.23 Travel Plans are designed to set out a strategy for a company on how car usage is going to be reduced whilst other modes shares are increased. Funds are required towards the monitoring of the travel plan. Monitoring will cover the cost of undertaking surveys and the staff time required for analysing and compiling reports over a number of years to assess the success of the travel plan. Any large commercial development will be required to make a contribution. Schools are also required to produce a travel plan therefore any large residential development in the vicinity of a school will need to make a contribution.
- 3.3.24 The Sustainable Transport Supplementary Planning Guidance note (April 2004) should be referred to for more information.

Employment, Training and Related Issues

- 3.4.1 The relevant UDP policy is E6: Loss of Employment Land Outside the Designated Industrial Areas. This states that:

Outside the industrial areas shown on the proposals map, development which results in the loss of employment land will be acceptable only under the following circumstances:

(i) if the land is in a predominantly residential area and the development proposed will provide a local community or cultural facility.

(ii) if the land is in a predominantly residential area, residential use will be permitted provided that:

The size, configuration, access arrangements or other characteristics of the site make it unsuitable and financially unviable for any employment or community use as confirmed by full and proper marketing of the site for 5 years for employment or community purposes.

Compensatory measures comprising employment benefits locally may be sought for the loss of employment land. Such measures will be sought through planning obligations.

- 3.4.2 The land use involved relates to employment uses only, the B Use Class and related sui generis uses. As stated in the policy, satisfactory compensatory obligations will be sought where there's a loss of employment use. Compensation would only be sought where a development which is broadly contrary to the Council's policies for the protection of employment land could be made acceptable by means of adequate and appropriate planning obligations (in accordance with para 3.121 of the 2003 UDP).
- 3.4.3 The contribution will be based on the uplift in the value of the land which will vary depending on the type of development proposed and the site in question. Due to the potential site by site variation contributions up to 50% of the uplift in the value of the land will be required. The developer will be expected to prove the level of their contribution. The contributions will be used to provide for economic development and renewal initiatives including new or improved space or other support for employment. The latter may include training or facilitating access to jobs for example. The agreement will set out what the funding will provide.

Training

- 3.4.4 The council will expect large developments to provide construction work and where possible related training to locally based labour where possible. This will be expected for all types of development. Where the end user of an employment development is known there will be a requirement to provide general skills training associated with that end user or where it is not known there should be some kind of general skills improvement opportunity such as interview skills, CV preparation and PC skills.

Employment Opportunities

- 3.4.5 Large employers such as those with 100 employees or more will be required to enter into additional agreements with regards to employment opportunities. Part-time and temporary workers will count towards the 100 employees threshold.
- 3.4.6 The council will expect there to be extensive local advertising both during the construction of the development and when hiring employees. The Council would like to see encouraged the employment of those with disabilities or learning difficulties.
- 3.4.7 One barrier to employment is the availability of child care. This can be provided for using an obligation to provide either on-site creche facilities or a contribution to an existing facility. This should not be a private facility.
- 3.4.8 As mentioned under Sustainable Transport employers should also develop a Travel Plan in all areas of the borough in order to reduce the demand for car borne transport. Where an employer is locating in an existing employment area which is covered by a travel plan then the employer will be required to adhere to the strategy as part of an agreement. This is the one instance which will not be dependent on the size of the employer.

Improvements to Business Areas

- 3.4.9 Where a major business development is likely to place a strain on the existing infrastructure of an industrial or business area or where such a development is likely to contribute directly or indirectly to a deterioration in the operational environment of businesses already in the area, the Council may seek to negotiate planning obligations which mitigate these effects and /or financial contributions towards area initiatives such as the projects business plans of Business Improvement Districts.

Waste and Recycling

- 3.5.1 The current UDP deals with provision of waste facilities for domestic and commercial development.

Policy PE.11: Recycling Points:

New residential, retail, leisure and business developments will be expected to provide recycling collection facilities, including those for specialist waste. Where collection facilities cannot be provided on site, their provision in a location off-site will be sought by the use of Planning obligations.

- 3.5.2 Under normal circumstances a development will be expected to provide these facilities on-site. Where this is not possible a financial contribution will be expected instead. Guidance on the amount of storage space required is set out in the Councils advice on Waste and Recycling Storage Requirements. As stated in this guidance for every 5-6 residential units of flats storage for a 1,100 litre Euro bin will be required. (Dimensions of 1.3m wide, 1.4m high and 1m deep) The guidance details how this is to be broken down depending on the unit size for normal waste, recyclables and compostables.
- 3.5.3 In the unlikely event that storage space for recyclables cannot be provided on site a contribution will need to be made to provide the facilities off site. This will be required for all sizes of development and will be provided per unit.

Sustainable Communities

- 3.6.1 The council would like to see community benefits to promote economic, social and environmental renewal such as facilities and voluntary sector support. The following policies provide the basis for these contributions.

Policy ST36: Community Benefits

The council will seek to secure, through planning obligations, community benefits in accordance with relevant policies in the plan, taking account of current government guidance and the circumstances of each development.

Policy C1: Location and Access of Facilities

The Council will encourage the provision of social service facilities in accessible locations, by seeking to negotiate planning obligations for the allocation of sites or the provision of facilities in the appropriate redevelopment schemes

Policy F2: Planning Obligations

The Council will require a planning obligation where necessary to make a proposal acceptable in land use planning terms.

- 3.6.2 As well as the pressure on educational and health uses other community uses are affected as a result of more people living in the borough. Community facilities such as libraries, community centres, meeting halls, and childcare facilities also face pressure from new residential development.
- 3.6.3 Under policy C1 provision of various social facilities on unusually large redevelopment sites will be expected in order that the opportunity is not lost.
- 3.6.4 Development can also have a wider impact on the quality of life for Merton's existing residents beyond the pressure exerted on the physical infrastructure. To help mitigate this impact contributions to social funds and projects will be helpful. The development control case officer will assess and consult with the relevant team within the council as to whether a proposal will impact the community and add to pressure on existing facilities. For example anti-social behaviour is currently concentrated in the east of the borough in the east Merton Neighbourhood Renewal area. Therefore a proposal in this area may require a contribution. This will depend on the scale and form of the proposal.
- 3.6.5 This area of contributions is heavily linked to other areas of council policy and will require internal consultation. As set out in Merton's Community Plan the Framework document, one of the visions for the borough is *investing in our communities* as people in Merton have a right to live and work in a secure environment and feel safe.
- 3.6.6 One such area where links could be made between contributions is the work of the Youth Services team who provide access to Sport and Leisure services for 13-19 year olds. This could be linked to and incorporated into contributions towards open space provision where there is a deficiency or need for improvement or areas identified by Youth Services as lacking in adequate facilities. The lack of provision for adolescents is one of the only areas that young people highlight as providing a poor service from the council. Contributions could be for sports provision in parks, or in youth facilities. The Council is currently preparing a Youth Services Asset and Management Plan that will

demonstrate the areas deficient in facilities. This will be used as the basis for providing funding via planning obligations where it is needed in the borough. If necessary contributions will be pooled.

Urban Regeneration

- 3.6.7 The UDP aims to help revitalize town centres in order that they provide for the needs of all the boroughs residents and businesses. This aim is set out by Policy ST7: Key Areas for Revitalisation in the Strategic planning policies section of the UDP.

Town Centres and main employment areas will be the foci for economic activity and the provision of facilities in order to achieve sustainable revitalisation of the urban environment. Investment in infrastructure and environmental improvements will be focused into these areas

- 3.6.8 All major developments within any of the three Town Centres and the Colliers Wood urban centre in the borough will be required to contribute towards making improvements to the urban environment. The contribution will be calculated based on the impact, use and scale of the development. As well as improving the quality of the infrastructure this will include contributions towards Safer Merton strategies and action plans including:

- ❑ town centre management
- ❑ Safer Merton strategies and action plans - including CCTV, Strengthening Communities, Anti Social Behaviour, Youth Diversion projects, Drug & Alcohol Action, Environmental Crime, Warden Services and Youth Offending Services
- ❑ public art
- ❑ Shopfront improvements

- 3.6.9 Where large urban developments are proposed expansion of facilities for the police should be considered to reflect the potential increase in pressure their resources may come under. Smaller developments can consider a physical contribution towards the Safer Neighbourhoods Policing programme. This aims to provide dedicated facilities in many of the boroughs wards for five Police officers assigned per ward to use as a base for patrolling the neighbourhood. Certain uses and types of development already involve direct consultation with the Police with regards to design issues.

- 3.6.10 Safer Merton is the Crime & Disorder Partnership and Drug Action Team for Merton. The group has the responsibility for developing & implementing strategies to reduce crime, anti social behaviour and substance misuse in Merton. It is an area where there is a statutory requirement on the council and other agencies to work together. This is set out in the Crime & Disorder Act 1998.

- 3.6.11 The contributions made towards transport will need to be co-ordinated with those made towards this topic area as there maybe some overlap in aims.

Healthcare

- 3.6.12 The current UDP seeks to secure planning obligations under Policy C9:

Provision of Health Facilities. Under bullet point (ii) it states that **the Council will encourage the provision of health facilities and will seek to secure planning obligations to improve health facility provision and identify sites.**

- 3.6.13 The expansion or improvement of existing facilities should also be considered if there is no scope to develop new facilities but relocation to new purpose built and properly sized primary health care premises is preferable.
- 3.6.14 The impact that development can have on demand for health services can be considerable particularly where they are already under pressure. This impact will of course depend on the size and type of development. The Council will use the modelling tool produced by the Healthy Urban Development Unit (HUDU) to work out contributions for health provision.
- 3.6.15 HUDU is a body that has been set up by the five London Strategic Health bodies, the London Development Agency and the Regional public health group. It is designed to help the health community in London to respond to the challenges of the predicted population growth in the city. HUDU have commissioned consultants to develop tools that help local authority planners take account of the need for healthcare facilities and the consultants have developed a model for this purpose.
- 3.6.16 The Matrix Research Consultancy has developed a Microsoft Excel-based model which is designed to forecast the expenditure required to provide for the additional health demand that will result from new residential development and to quantify the impact in terms of physical space and subsequently cost. The series of calculations and formulae used are described in detail in the Guidance notes which accompany the model which can be found on the HUDU website [Twww.healthyurbandevelopment.nhs.uk](http://www.healthyurbandevelopment.nhs.uk)T.
- 3.6.17 The model is comprehensive. It takes full account of the demographics of the existing population, and the future predicted population growth. It assesses the local existing facilities, their admissions, including the average length of stay and level of occupancy. Capacity is then assessed against the predicted population growth. All health facilities are covered including acute care, mental health care, intermediate care and primary care.
- 3.6.18 Using standard NHS cost and floorspace requirements for the various facilities the model is able to estimate a cost per dwelling based on the future expansion of the population. The population data and forecasts used in the model are published by the Mayor and further information can be obtained from the GLA.
- 3.6.19 The model will be applied on a site by site basis in consultation with the Sutton and Merton Primary Care Trust. Where a new facility such as a health centre is provided a contribution will be required towards the revenue costs.

Policy development and research

- 3.6.20 There is a requirement that the Local Development Framework is kept up to date by the local authority. This is seen as crucial for the successful delivery of a spatial plan and vision in the LDF. Requirements are set out in guidance that expects authorities to constantly monitor the implementation of its policies through its Annual Monitoring Report. The aim is to assess whether policies are meeting their objectives in accordance with guidance in UDP policy MR1: Monitoring and Review.
- 3.6.21 The development of a sound evidence base is part of the process of policy development and monitoring and is seen as critical to the preparation of local development documents. The council is required to keep under review five separate matters that make up the evidence base. These are set out in paragraph 4.8 in PPS

12. In order to do this the council will have to be constantly conducting research and analysis of the local situation to ensure that policies are relevant. In order to do this it is sometimes necessary to employ consultants more specialised in these areas to provide a thorough analysis of the evidence.

- 3.6.22 Where an unusually large application is submitted it will be required to make a contribution to the funding of plan making and research. It is in the interests of both developers and the council to keep policies up to date and in line with local issues and government guidance as it will provide a quicker process less susceptible to legal challenge.

Public Art Contributions

- 3.6.23 The UDP sets out a policy that requires contributions for public art. Policy BE.27 states:

The Council may seek to negotiate a contribution to the provision of public art from major developments, where this is directly related to the development. Such public art should be within the development or in a nearby location.

- 3.6.23 Where appropriate the council will expect provision of public art that benefits the community by improving the environment. This may be provided in physical form or it could be accounted for through a contribution towards the visual or performing arts.
- 3.2.24 Following the guideline set out in the UDP the council will expect the value of the contribution to be 1% of the cost of the developments construction costs.

Other Infrastructure

- 3.6.25 A major development will need to ensure that adequate capacity for utility infrastructure is in place to service the development. Policy PE 7 in the UDP requires this at the time of development. Where necessary the utility suppliers should be contacted and the developer will be required to contact the relevant agencies and may need to undertake an appropriate study. The potential timescale of these studies should be considered. Where appropriate this will be enabled through a planning condition rather than an obligation. In particular any developments in the South Wimbledon/Colliers Wood area of intensification as identified in the London Plan should be considered for assessment.
- 3.6.26 Where appropriate the Council will consider financial contributions towards facilities that will progress creation of a District Heat and Power network. Where necessary these will be pooled.

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Appendices

Appendix 1 – Table summarising expected contributions per topic

Appendix 2a – Worked Example 2: Large Residential

Appendix 2b – Worked Example 3: Small residential

Appendix 3a – Map showing areas deficient in park provision

Appendix 3b – Map showing areas deficient in playspace deficiency

Appendix 3c – Map showing public transport accessibility

Appendix 3d – Map showing borough cycle network and proposals

Appendix 4 - List of Childrens Playspaces

Appendix 5 - Flow Chart for Legal Agreements

Appendix 1 – Table summarising expected contributions for housing developments

TOPIC	CRITERIA	REQUIREMENT	CALCULATION	EXCEPTIONS
EDUCATION	APPLIES TO UNITS WITH 2 BEDROOMS OR MORE	FINANCIAL CONTRIBUTION	CHILD YIELD X COST OF CHILD PLACE (BUT ONLY 10% OF THIS FIGURE IF NOT A BASIC NEED)	HOUSING FOR THE ELDERLY OR HOUSING IN MULTIPLE OCCUPATION
HEALTH	SITE BY SITE BASIS IN CONSULTATION WITH THE PCT	FINANCIAL CONTRIBUTION OR PHYSICAL CONTRIBUTION WHERE PRACTICAL	USE HUDU MODEL WHERE APPROPRIATE	NO EXCEPTIONS
OPEN SPACE (IN AREA OF DEFICIENCY)	APPLIES TO RESIDENTIAL DEVELOPMENTS WITHIN AREAS OF OPEN SPACE DEFICIENCY (50 UNITS+ = PHYSICAL CONTRIBUTION)	FINANCIAL CONTRIBUTION PHYSICAL CONTRIBUTION WHERE PRACTICAL	NUMBER OF PERSONS ESTIMATED TO BE OCCUPYING THE DEVELOPMENT ON COMPLETION MULTIPLIED BY £205	NO EXCEPTIONS
CHILDRENS PLAYSPACE (WITHIN 800M)	WHERE DEVELOPMENT IS WITHIN 800M OF EXISTING CHILDREN'S PLAYSPACE	FINANCIAL CONTRIBUTION REQUIRED	£2,500	HOUSING FOR THE ELDERLY
CHILDRENS PLAYSPACE (OUTSIDE 800M)	WHERE DEVELOPMENT IS OVER 800M AWAY FROM EXISTING CHILDREN'S	NEW FACILITY WHERE PRACTICAL OTHERWISE	£2,500 + WHERE A NEW FACILITY	HOUSING FOR THE ELDERLY

London Borough of Merton Planning Obligations SPD July 2006

TOPIC	CRITERIA	REQUIREMENT	CALCULATION	EXCEPTIONS
800M)	PLAYSPACE	FINANCIAL CONTRIBUTION REQUIRED	IS PROVIDED MAINTENANCE COSTS OF £2500/YEAR FOR THREE YEARS	
OPEN SPACE GENERAL	APPLIES TO ALL RESIDENTIAL OUTSIDE AREAS OF OPEN SPACE DEFICIENCY	FINANCIAL CONTRIBUTION	NUMBER OF PERSONS ESTIMATED TO BE OCCUPYING THE DEVELOPMENT ON COMPLETION MULTIPLIED BY £205 MULTIPLIED BY 50%	NO EXCEPTIONS
PRIVATE AMENITY SPACE	WHERE PRIVATE AMENITY SPACE PER HOUSE IS LESS THAN 50SQM AND FOR A FLAT 10SQM	FINANCIAL CONTRIBUTION	£500 PER 10SQM LACK OF PRIVATE AMENITY SPACE	NO EXCEPTIONS
HIGHWAY IMPROVEMENTS	N/A	PHYSICAL CONTRIBUTION	SITE SPECIFIC	NO EXCEPTIONS
PUBLIC TRANSPORT IMPROVEMENTS	N/A	FINANCIAL/ PHYSICAL CONTRIBUTION	SITE SPECIFIC	NO EXCEPTIONS
MAJOR TRANSPORT REQUIREMENTS	N/A	FINANCIAL CONTRIBUTION	SITE SPECIFIC	NO EXCEPTIONS
SUSTAINABLE TRANSPORT	NONE	FINANCIAL CONTRIBUTION	£500 PER UNIT	NO EXCEPTIONS

London Borough of Merton Planning Obligations SPD July 2006

TOPIC	CRITERIA	REQUIREMENT	CALCULATION	EXCEPTIONS
WASTE FACILITIES	ALL	PHYSICAL CONTRIBUTION	1,100 LITRE EURO BIN PER 5 UNITS	NO EXCEPTIONS
SUSTAINABLE DEVELOPMENT	SITE BY SITE ASSESSMENT	FINANCIAL/ PHYSICAL CONTRIBUTION TOWARDS: - COMMUNITY BENEFITS/FACILITIES - URBAN REGENERATION - HEALTHCARE - POLICY RESEARCH - PUBLIC ART - OTHER INFRASTRUCTURE	SITE SPECIFIC	NO EXCEPTIONS

Appendix 2a – Worked Example 1: Large Residential (166 units)

24 x 1 bed, 66 x 2 bed, 24 x 3 bed, 8 x 4 bed (not including affordable element)

Site Specifics

- Improvements to secondary school required
- Located outside an area of public open space deficiency
- Located more than 800m from a children's playspace
- PTAL over 3

Education Calculation (based on improvement need required for

child yield X no. of units = child yield of development

total child yield of development X cost per pupil place = education contribution

0.04	X	66	=	2.64		7.84	X	£1,759	=	£13,790
0.16	X	24	=	3.84						
0.17	X	8	=	1.36						
				<u>7.84</u>						

Open Space Calculation

Average household size X number of units = estimated no. of persons for development

Total persons X open space maintenance cost = opens space deficiency contribution

opens space deficiency contribution X 50% = general contribution

1.3	X	24	=	31.2		252		X	£279	=	£70,308
2	X	66	=	132		£70,308		X	50%	=	£35,154
2.6	X	24	=	62.4							
3.3	X	8	=	26.4							
				<u>252</u>							

Children's Playspace

A new facility will be provided on-site. Therefore the first five years maintenance contributions will be required.

$$5 \times £2,500 = \mathbf{£12,500}$$

Sustainable Transport

Contributions of £500 per dwelling are required

$$128 \times £500 = \mathbf{£64,000}$$

Plus fees of 5% = £6,272
Unspecified legal fees

Total Contribution = £131,717

Nb this figure does not include contributions for any required highway/public transport works or sustainable development.

Appendix 2b – Worked Example 2: Small residential development (28 units)

10 x 1 bed, 8 x 2 bed, 4 x 3 bed dwellings (not including affordable element)

Site Specifics

- It is located in an area of public open space deficiency
- It is located within 800m of an existing children's playspace
- Improvements to both primary or secondary schools required
- PTAL rating of 2

Education Calculation

child yield X no. of units = child yield of development

total child yield of development X cost per pupil place = education contribution

$$\begin{array}{rclclcl} 0.25 & \times & 8 & = & 2 & & 4.04 & \times & \text{£}2,910 & = & \text{£}11,756 \\ 0.51 & \times & 4 & = & \underline{2.04} & & & & & & \\ & & & & 4.04 & & & & & & \end{array}$$

Open Space Calculation

Average household size X number of units = estimated no. of persons for development

Total persons X open space maintenance cost = opens space deficiency contribution

$$\begin{array}{rclclcl} 1.3 & \times & 10 & = & 13 & & 39.4 & & \times & \text{£}279 & = & \text{£}10,993 \\ 2 & \times & 8 & = & 16 & & & & & & & \\ 2.6 & \times & 4 & = & \underline{10.4} & & & & & & & \\ & & & & 39.4 & & & & & & & \end{array}$$

Childrens Playspace

One off payment of **£2,500**

Sustainable Transport

Contributions of £500 per dwelling are required

22 X £500 = **£11,000**

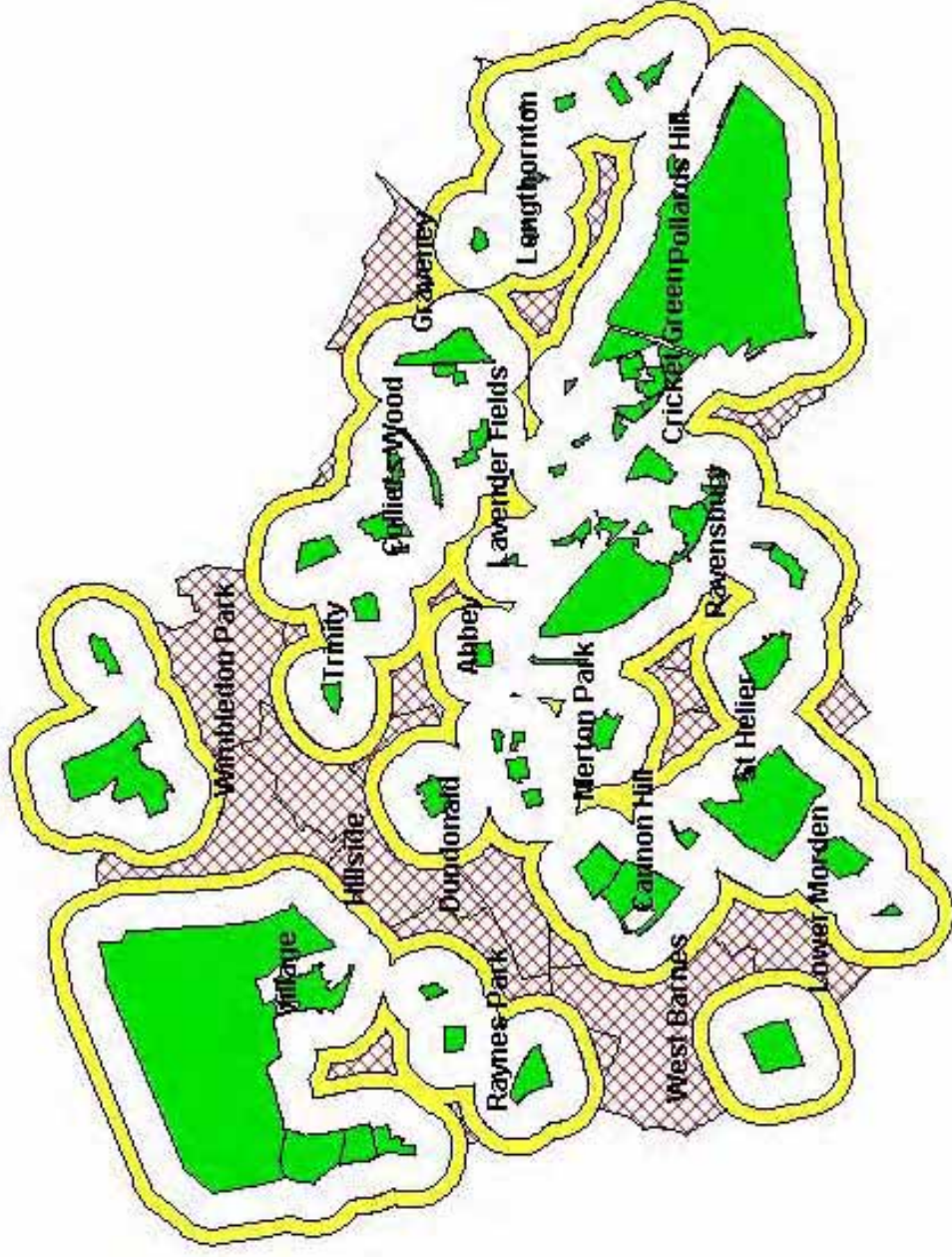
Plus fees of 5% = £1,812

Unspecified legal fees

Total Contribution = £38,061

Nb this figure does not include contributions for any required highway/public transport works or sustainable development

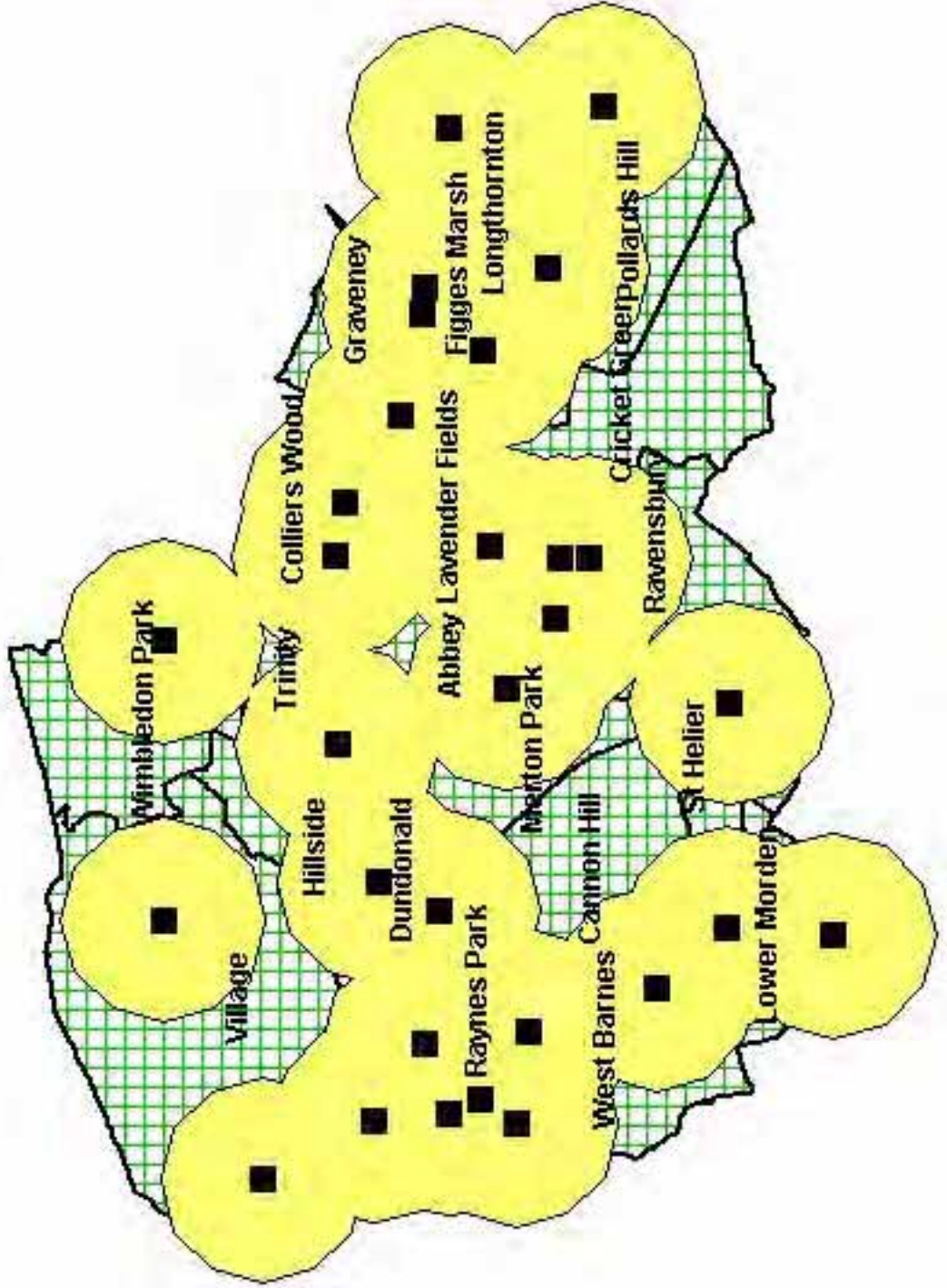
Appendix 3a – Map showing areas deficient in park provision



- Public Open Space Deficiency Area
- Public Open Space
- 400m Pedestrian catchment
- 200m Pedestrian catchment

Not to scale

Appendix 3b – Map showing areas deficient in playspace provision

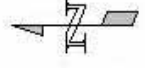


Area within 800m of play space
 Play Space
 Area not within 800m of play space

Not to scale

Appendix 3c –
Map showing
public transport
accessibility
(PTAL)

Public Transport Accessibility in Merton



Map revised July 2005
Level 1 split into 1a and 1b
Level 6 split into 6a

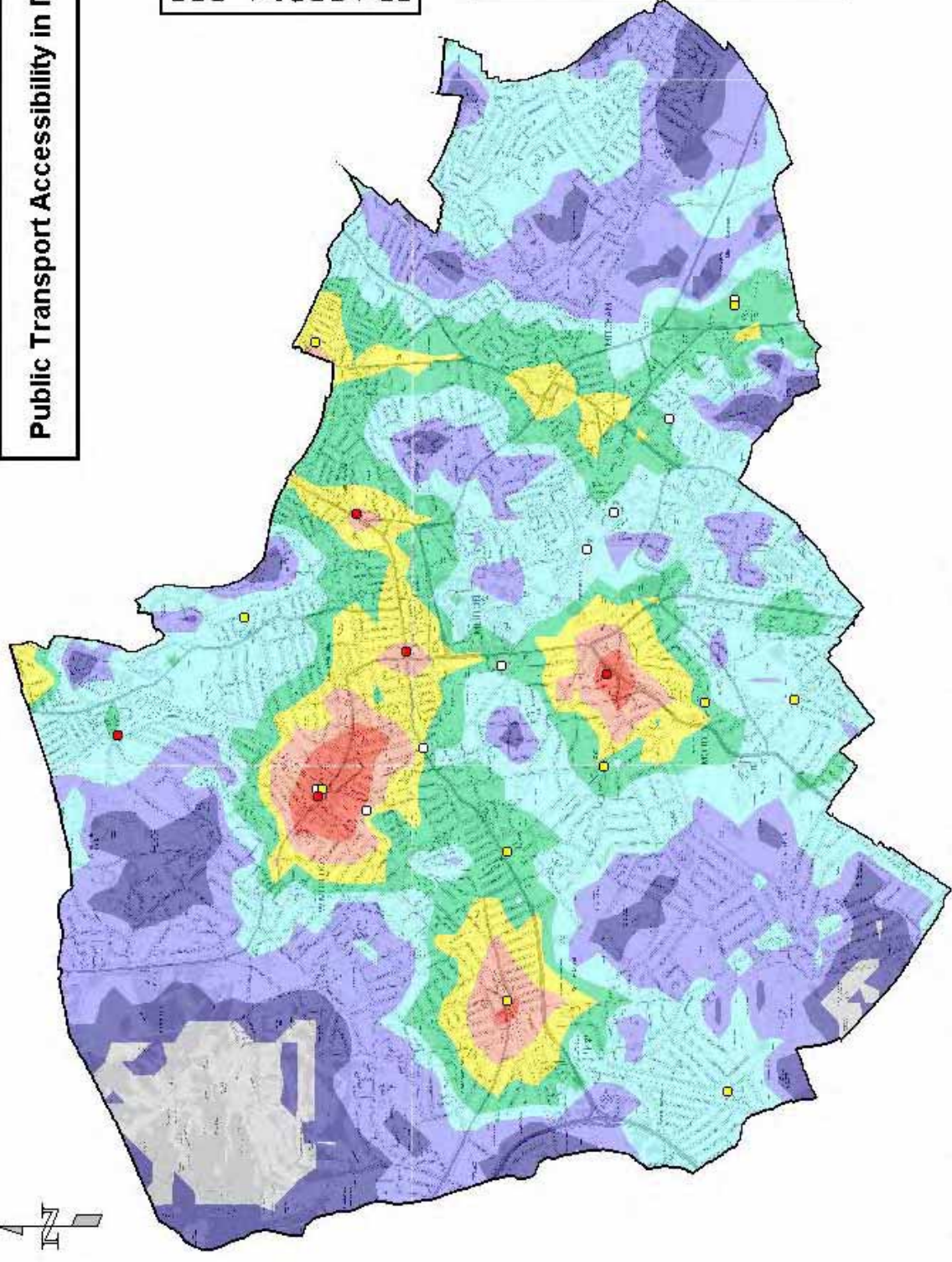
This map shows relative levels of access provided by public transport using LB Hammersmith & Fulham's PTAL method

The map is for illustrative purposes only, the data has not been verified.

PTALS

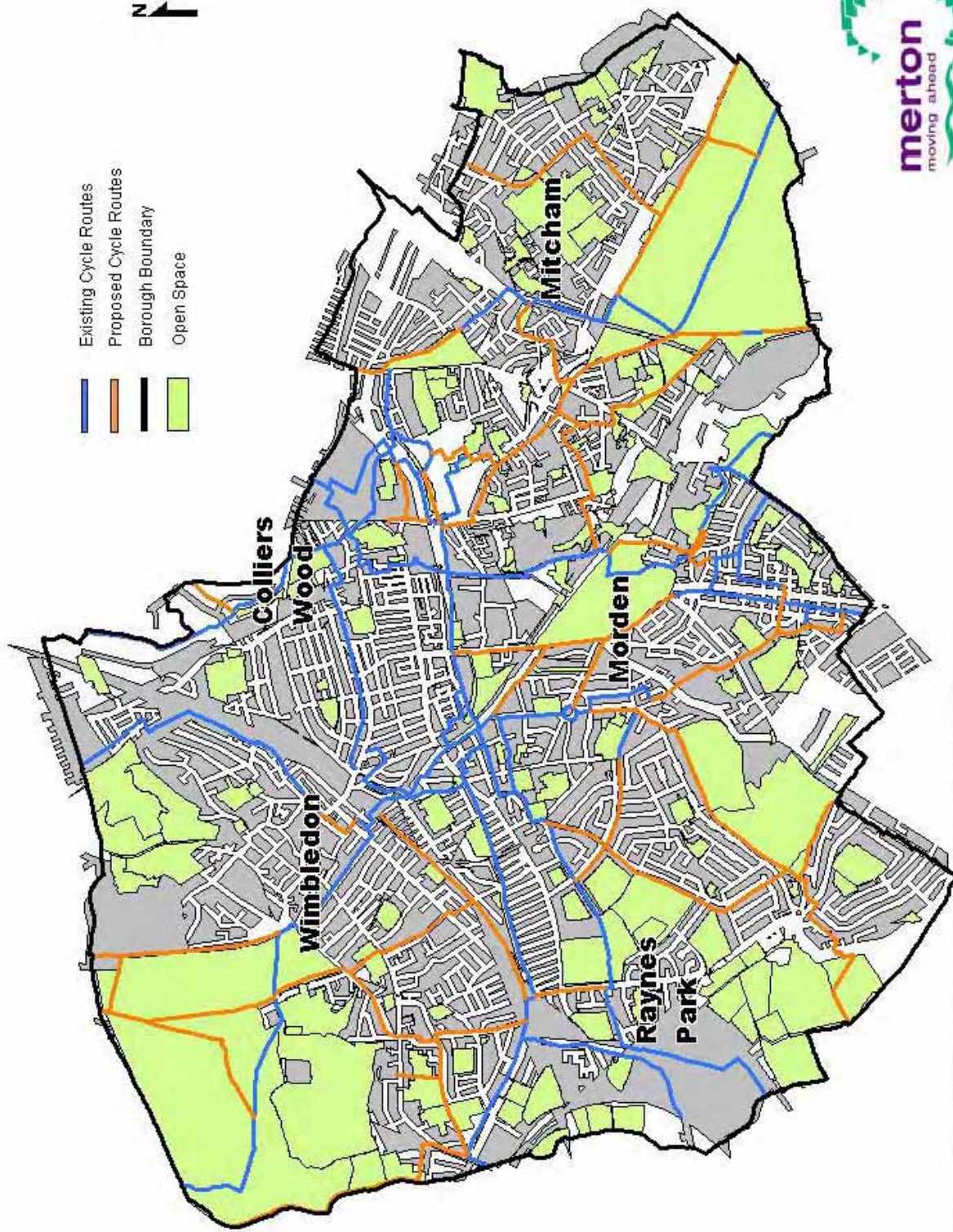
0	Grey
1a	Dark Blue
1b	Light Blue
2	Light Green
3	Green
4	Yellow-Green
5	Yellow
6a	Red

LUL Stations
National Rail Stations
Tram Stations



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Appendix 3d – Map showing borough cycle network and proposals



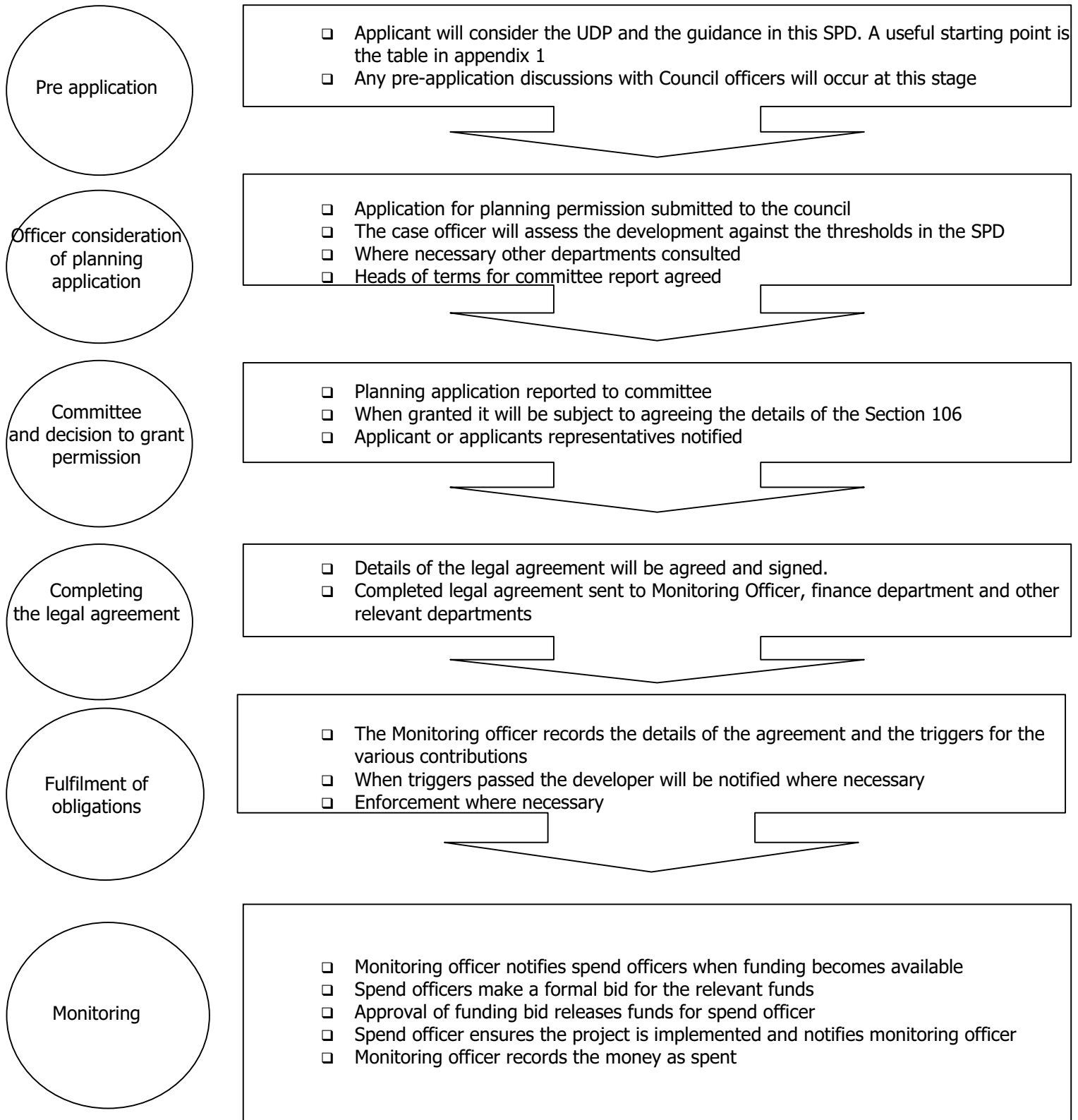
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Appendix 4 List of Childrens Playspaces

Abbey Recreation Ground
All Saints Recreation Ground
Colliers Wood Recreation Ground
Cottenham Park
Donnelly Green Open Space
Dundonald Recreation Ground
Durnsford Road Recreation Ground
Haydons Road Recreation Ground
Joseph Hood Recreation Ground
King Georges Field
Lavender Park
Lewis Road Recreation Ground
London Road Playing Fields
Long Bolstead Recreation Ground
Miles Road Open Space
Mitcham Sports Ground
Morden Park
Morden Recreation Ground
Moreton Green
Mostyn Gardens
Oakleigh way Recreation Ground
Pollards Hill Open Space
Ravensbury Park
Rock Terrace Recreation Ground
Rowan Road Recreation Ground
Sherwood Park Road Open Space
Sir Joseph Hood Memorial Playing Fields
Tamworth Farm Recreation Ground
Wandle Park
Wimbledon Park

Appendix 5 Flow chart for Legal Agreements

Simplified Procedure for Negotiating, Preparing, Completing and implementing Planning Obligation

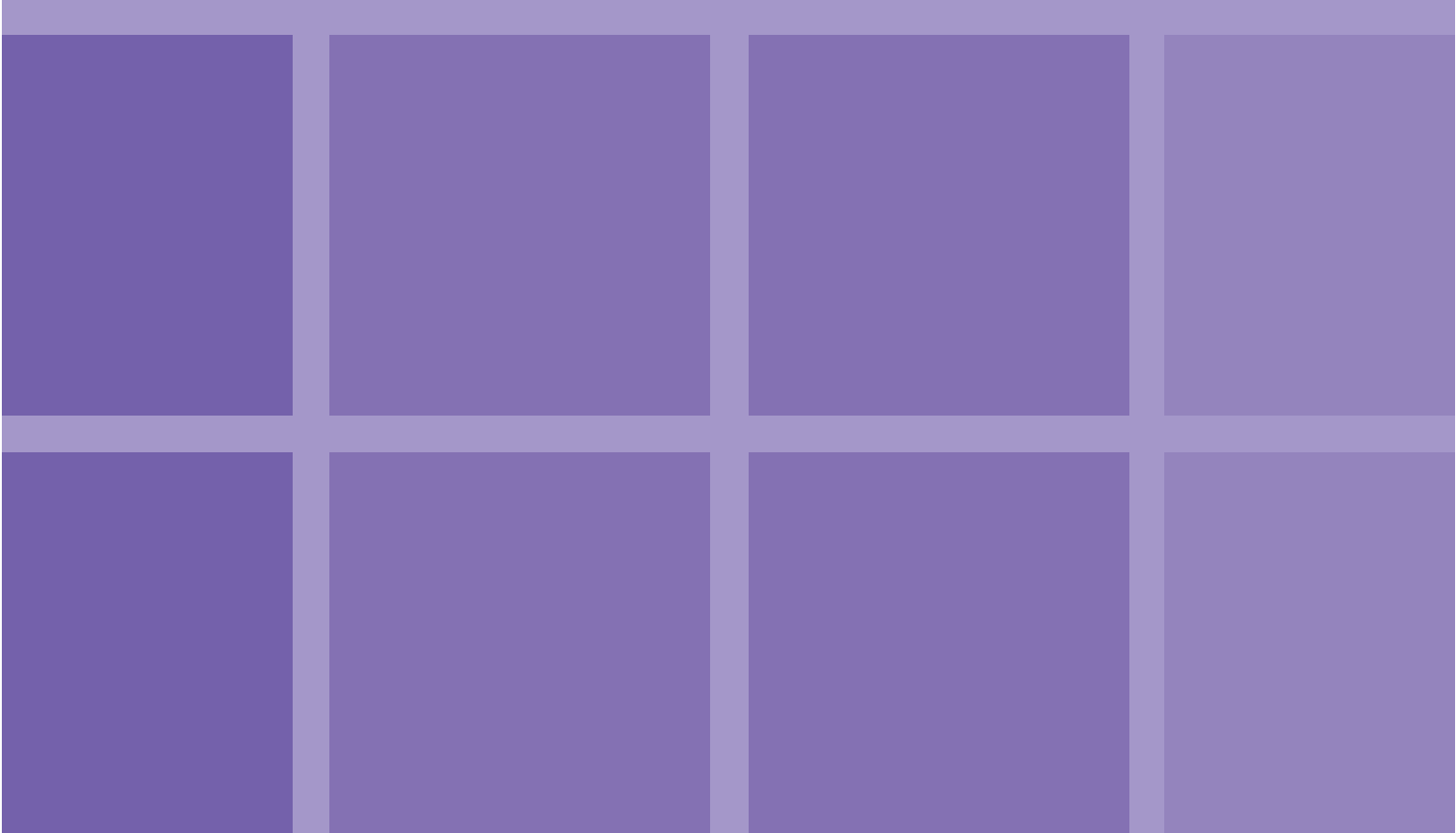


It should be noted that the above chart is a simplified procedure for conducting an agreement. There is scope within this process for continuous dialogue to be developed between the developer and the Council.



SPD

Supplementary Planning Document
London Borough of Merton



Plans + Projects

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