



Section 106 Supplementary Planning Document

November 2016

Contents

	Foreword	3
1	Introduction	5
2	Section 106 Agreements and The Community Infrastructure Levy	7
3	Planning Policy Context	11
4	Enfield's Approach to Planning Obligations	15
5	Process, Procedure and Management of Section 106 Agreements	19
6	The Council's role in Monitoring and Delivery of Section 106 Planning Obligations	25
7	Contributions for Affordable Housing	27
8	Contributions for Transport and Highways	33
9	Contributions for Education	39
10	Contributions for Climate Change, Flooding and the Environment	43
11	Contributions for Health Facilities and Services	47
12	Contributions towards Public Realm, Public Art and Cultural Facilities	49
13	Contributions for Business, Employment and Skills	51
14	Contributions towards Built Heritage and Conservation	55
15	Contributions towards Green Infrastructure, Open Space and Recreation	57
16	Contributions towards Biodiversity	61
17	Contributions for Policing Facilities, Fire and Emergency Services, and Town Centre Management	63
18	Contributions for Libraries and other Community Facilities	65
19	Appendix 1	67

Contents

Foreword

Foreword

Enfield is a growing borough with a population set to exceed 400,000 by 2032. New housing development will be needed to accommodate this growth alongside new jobs, new schools and other infrastructure. All of this will place additional pressure on existing amenities, including schools and roads. Enfield Council is currently reviewing its Local Plan to determine which locations might accommodate future growth, as well as the infrastructure investment that it will require. Section 106 agreements are an important part of the planning application process and necessary to ensure that key infrastructure and services are provided to meet the needs arising from new development.

S106 agreements and contributions play a vital role in funding essential community facilities, such as new schools. They are also key to the provision of new affordable housing and create a number of business and employment opportunities. Every application is different in terms of its build costs, development values, viability and deliverability. This Supplementary Planning Document (SPD) offers developers clarity about the Council's approach to securing planning obligations, in complement to the Community Infrastructure Levy (CIL) Charging Schedule that was adopted earlier this year.



Cllr Alan Sitkin

Cabinet Member for Economic Regeneration and Business Development

Foreword

1 Introduction

1 Introduction

- 1.1** In 2011 the Council adopted its first S106 SPD. The purpose of the SPD was to establish a transparent, fair and consistent approach for negotiating Section 106 (S106) agreements, in advance of setting a Community Infrastructure Levy (CIL). The Council adopted its CIL Charging Schedule on 23 March 2016 and this became operational on 1 April 2016.
- 1.2** In November 2014, minimum thresholds for Affordable Housing and tariff style planning obligations were introduced by a Written Ministerial Statement (WMS) and National Planning Practice Guidance (NPPG) update. The WMS and NPPG stated that small sites of 10 units or less which have a maximum gross floorspace of up to 1,000 square metres were exempt from paying affordable housing and other tariff-based contributions under Section 106. The Vacant Building Credit (VBC) was also introduced, which would reduce a developer's affordable housing liability wherever vacant buildings (or the floorspace on which they stood) were being returned to active use as part of a development proposal. These revisions were incorporated into the Council's consultation draft revised Section 106 SPD of March 2015. Nine representations were received on the March 2015 draft SPD.
- 1.3** Following a successful High Court challenge by two local authorities, the thresholds and VBC were withdrawn in July 2015. A further round of consultation on the S106 SPD then took place in January and February 2016, reflecting the then national policy. Eighteen representations were received for this phase of consultation. A summary of the consultation responses and details of how these have been taken into account during the preparation of the SPD are set out in the Consultation Statement which accompanies this document.
- 1.4** The Government appealed the High Court decision in the Court of Appeal. In May 2016, the Government won its appeal against the quashing of the WMS and the relevant policies were reinstated. Consequently this final version of the SPD takes account of the revised national position.
- 1.5** The purpose of the SPD is to provide information to planners, developers, service providers and the public on the Council's approach, procedure and policy in respect of the use of planning obligations within Enfield and how this relates to the Council's Community Infrastructure Levy. Its contents will aid the negotiations of S106 agreements, and the information provided in this document will also guide developers in the preparation of unilateral undertakings. The SPD provides information on:
- The range and nature of planning obligations to be sought, including details of the formulas used for calculation;
 - The types of development likely to attract planning obligations;
 - Greater transparency on the procedures for securing planning obligations
 - The relationship between Planning Obligations and the Community Infrastructure Levy
- 1.6** This document will assist developers in allowing for an estimate of basic S106 obligation amounts in their financial planning and help to reduce the time required to negotiate and agree obligations, speeding up the development management process and providing more certainty for all parties who are involved in the preparation and submission of planning applications.

What is a Section 106 Agreement?

- 1.7** The legislation underpinning the agreements is Section 106 (S106) of the Town and Country Planning Act 1990, which sets out the framework for the current system of planning contributions use in England. A S106 agreement is an enforceable legal agreement negotiated between the Local Planning Authority and developers and land owners in the context of some planning applications. S106 is used to secure financial contributions for social, physical and green infrastructure and non-monetary benefits such as the transfer of land or the provision of affordable housing and environmental improvements. Obligations may also be required under Section 278 or Section 38 of the Highways Act 1980, which is covered in more detail in Section 2 of this SPD.

1 Introduction

- 1.8** Planning obligations can therefore assist in meeting the objectives of the Council's policies and strategies. Mitigation of any identified negative impacts can help to ensure that new development is socially, economically and environmentally sustainable, for example by ensuring that training and employment opportunities are available for local residents which can, in turn, help them to take advantage of new employment prospects presented by commercial developments within Enfield.
- 1.9** Most planning obligations will involve payment of a one-off fee for upgrading a particular facility, or to provide a new facility. However, from time to time and dependent on the specific nature of a development proposal, contributions may be required towards the ongoing costs of running a facility or providing a service, examples of which include the maintenance of parks and areas of open space. This may be necessary to ensure that the specific impacts created by a development are addressed.

2 Section 106 Agreements and The Community Infrastructure Levy

2 Section 106 Agreements and The Community Infrastructure Levy

What are Planning Obligations?

- 2.1** Agreements made under S106 are binding contracts that normally run with the land. They may be enforced against both the person(s) originally entering into the agreement and against anyone subsequently acquiring an interest in the land, unless the agreement makes this specific to the contrary.
- 2.2** The purpose of Planning Obligations is to make development 'acceptable' in planning terms. Making development 'acceptable' involves the mitigation of any undesirable impacts that are associated with a proposal. Planning Obligations are always negotiated based on the characteristics of an individual site or a proposed development. They are used as part of the planning application process to address specific planning issues arising from a development proposal that cannot be dealt with via planning conditions. If a developer does not agree to the level of mitigation, or any other commitments required to ensure that a development is acceptable in planning terms, the proposal will be refused planning consent. The Council's current policy on planning obligations is set out via the Core Strategy, Development Management Document, the Section 106 SPD and the London Plan.
- 2.3** The specifics of an S106 agreement are referred to as 'Heads of Terms'. There is a large range of possible heads of terms for Planning Contributions. Developers should note that all planning obligations are recorded as a local land charge on the Land Charges Register. Upon satisfaction of all covenants in the Agreement (e.g. all financial payments made when due and non-financial contributions honoured) an application may then be made to the Council to discharge the obligation.
- 2.4** Contributions can be financial or non-financial in nature. Opportunities may therefore arise for provision 'in-kind', this is where the developer either builds or supplies whatever is required to fulfil the obligation negotiated as part of the planning application. Situations may arise where in-kind provision is preferred, e.g. In cases where finding a suitable site for a facility proves challenging.

The Relationship between Section 106 and the Community Infrastructure Levy (CIL)

- 2.5** The 2008 Planning Act introduced the Community Infrastructure Levy (CIL), which came into force in April 2010 via the introduction of the CIL Regulations. These regulations have been subsequently amended.
- 2.6** CIL is a standard non – negotiable charge which is levied on new development and is intended to assist in financing the cost of additional infrastructure required to support new development. Monies raised can be pooled and used to fund infrastructure required in the borough. CIL is levied in pounds per square metre of the net additional increase in floorspace for development which either a) creates 100 square metres of gross floor space or more, or b) creates a new dwelling, irrespective of its size. The levy is not charged on changes of use where there is no increase in floorspace and the building (or part of the building) has been in continuous lawful use for 6 months within the -3 year period prior to receiving planning permission. See the Community Infrastructure Levy pages of the Council's website for more information.
- 2.7** Whereas CIL will contribute towards meeting the broader strategic infrastructure needs of Enfield, planning contributions under Section 106 will still be required to mitigate site-specific matters, such as environmental improvements, traffic management schemes or to secure affordable housing as well as funding infrastructure not contained on the Regulation 123 list, available on the Council's website. As set out below, there will be no circumstances where 'double-dipping' takes place – i.e. where a developer is charged twice under both CIL and S106 for the same infrastructure in relation to the same development.

2 Section 106 Agreements and The Community Infrastructure Levy

- 2.8** The Council's CIL charging schedule and Regulation 123 list were adopted on 23 March 2016 and came into force on 1 April 2016. The Regulation 123 list does not seek contributions for infrastructure projects such as schools, libraries or transport/highway schemes under CIL. These contributions (where they are due) will continue to be sought under Section 106 for the time being. A future review of the Regulation 123 list may seek to integrate such contributions within CIL.

How is CIL different from Section 106/Planning Obligations?

- 2.9** Planning obligations secured via Section 106 Agreements are individual charges, calculated separately for each new development, based on requirements created by each individual development, usually based on the size of development, the proposed use, site circumstances and location. Their purpose is to make a development acceptable in planning terms which would otherwise not be acceptable.
- 2.10** In contrast, CIL is a standard, non-negotiable charge which functions like a tax. On schemes where this is payable, it is calculated per square metre of development. As noted in the preceding paragraphs, the use of CIL charges will help to fund new, strategic infrastructure projects identified by the Regulation 123 list.

Pooling of Contributions and Enfield Council's CIL

- 2.11** As set out in the three tests in Appendix 1, from 6 April 2015 the Community Infrastructure Levy Regulations restrict the pooling of obligations to a maximum of 5 planning obligations for an item of infrastructure that is not intended to be funded by CIL. Pooling restrictions do not apply to certain non-CIL items, examples including employment, skills and training contributions, or sustainable transport improvements such as car club bay provision or travel plans. When a Council assesses whether or not five obligations have been entered into for a specific project or a particular type of infrastructure, the Council must consider all agreements which have been finalised since the CIL Regulations came into force on 6 April 2010.
- 2.12** An authority can pool CIL contributions and spend them according to the project and/or type of infrastructure, as long as it relates to development within its area. All charging authorities are advised to publish a list of the types of infrastructure and projects which they intend to fund through CIL. This list is known as the Regulation 123 (R123) list, and it is not permitted to spend monies raised through S106 planning obligations to fund infrastructure projects included on the R123 list. The aim of this is to enable greater transparency as to how Planning Contributions are being spent.
- 2.13** The Council has prioritised its CIL receipts for the delivery of road and rail infrastructure at Meridian Water. This is the sole item appearing on the R123 list adopted on 23 March 2016. For other forms of infrastructure, the Council will continue to seek S106 contributions from development proposals, in line with the legal tests and pooling restrictions under CIL Regulations 122 and 123. This may change in the event of any future review of the R123 list and CIL charging schedule.
- 2.14** The Council's Infrastructure Delivery Plan (IDP) provides a snapshot of the Borough's current infrastructure needs. The infrastructure planning process must identify not only the infrastructure which will be required, but also the cost of delivery, the phasing of delivery, how it will be funded and who is responsible for delivery. Any funding gaps will then be addressed using the planning obligations process or funds raised under the Community Infrastructure Levy. The Council's Infrastructure Delivery Plan Review 2014 can be viewed on the Council's website.

London Mayoral CIL

- 2.15** On 1 April 2012, the Mayor of London began charging CIL (Mayoral CIL) on most development in London to help in raising £300m towards the cost of the new Crossrail 1 from Reading to Shenfield via Central London.
- 2.16** For the purposes of implementing the Mayoral CIL, London is split into three charging zones. Enfield – together with the outer Boroughs of Waltham Forest, Croydon, Havering, Sutton, Bexley, Newham and Barking and Dagenham fall within Zone 3. This means that, for schemes where the Mayoral CIL is applicable, the levy will be charged at a rate of £20 per square metre and is index-linked using Building

2 Section 106 Agreements and The Community Infrastructure Levy

Cost Information Service (BCIS) figures. Mayoral CIL rates are non-negotiable and Enfield Council is required to collect the charge on behalf of the Mayor of London. The Council does not profit from the process.

- 2.17** The London Plan sets out the Mayor's approach to dealing with issues of strategic importance across London. Policies specifically addressing planning contributions and CIL are policies 8.1, 8.2 and 8.3.

Section 278 Agreement

- 2.18** Agreements to authorise work on the public adopted highway network are made under section 278 of the Highways Act 1980, as amended by section 23 of the New Roads and Street Works Act 1991. These agreements facilitate works that have been identified and determined as necessary for planning permission to be granted. This SPD does not specify the circumstances in which a S278 agreement will be required. Requirements for S278 agreements will be identified separately, although this will often take place alongside negotiation of the S106 agreement.
- 2.19** Developers should note that Transport for London (TfL) is the responsible highway authority for approving works and determining the cost of works on the TfL road network, A10 and A406, which pass through the borough.

Section 38 Agreement

- 2.20** Should the construction of a new road be required for residential, industrial or general purpose traffic, the normal method for the road to be adopted and therefore become part of the existing public highway network is through an agreement struck under Section 38 of the Highways Act 1980.
- 2.21** Section 38 Agreements are negotiated between the Local Highway Authority's engineer and the developer's Highway Engineer. Plans showing all elements of construction and specifications should be provided. The plans and details will be similar to those required for highway improvements under a Section 278 agreement (see above). Additional guarantees may be required between the developer and the Local Highway Authority to ensure that the proposed works can be satisfactorily completed in the event of any default or unforeseen circumstances.
- 2.22** The adoption process can be lengthy. For the period of time which the road lies unadopted, the developer is responsible for maintenance and upkeep of the road until adoption happens. On larger developments, the completed road may be used as site access for later phases of the development; therefore adoption under a Section 38 normally takes place on or after completion of the whole development.

2 Section 106 Agreements and The Community Infrastructure Levy

3 Planning Policy Context

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National Planning Policy Framework (NPPF)

- 3.1** Paragraphs 173 to 177 of the NPPF highlight that a Local Planning Authority should take account of changes in market conditions over time. Any obligations should not be to the extent that scheme viability is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 3.2** Paragraphs 203 to 206 of the NPPF set out the use of planning conditions and obligations. “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions of planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

National Planning Practice Guidance (NPPG)

- 3.3** The NPPG website is updated regularly by Government. It provides further detail to elaborate on the policy position contained within the NPPF.

Housing and Planning Act 2016

- 3.4** The Housing and Planning Act came into force in May 2016. The Government hopes that the legislation will help to boost housing construction and completion rates; simultaneously, increasing construction rates will improve the possibilities of accessing good quality housing. The Act contains a range of measures aimed at improving housing delivery (and housing conditions), however much of the secondary legislation which will govern the operation of the Act has still to be published. As such, the full impacts of the legislation cannot be assessed at the present time.

London Plan

- 3.5** The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. It sets the strategic, London-wide context within which Boroughs should set their own detailed local planning policies. The Mayor of London must keep the plan under review. Local Plans produced by each of the London Boroughs must be in conformity with the London Plan.

Enfield's Local Plan

- 3.6** As shown by Figure 3.1 overleaf, the local plan for the Borough contains a suite of documents.

3 Planning Policy Context

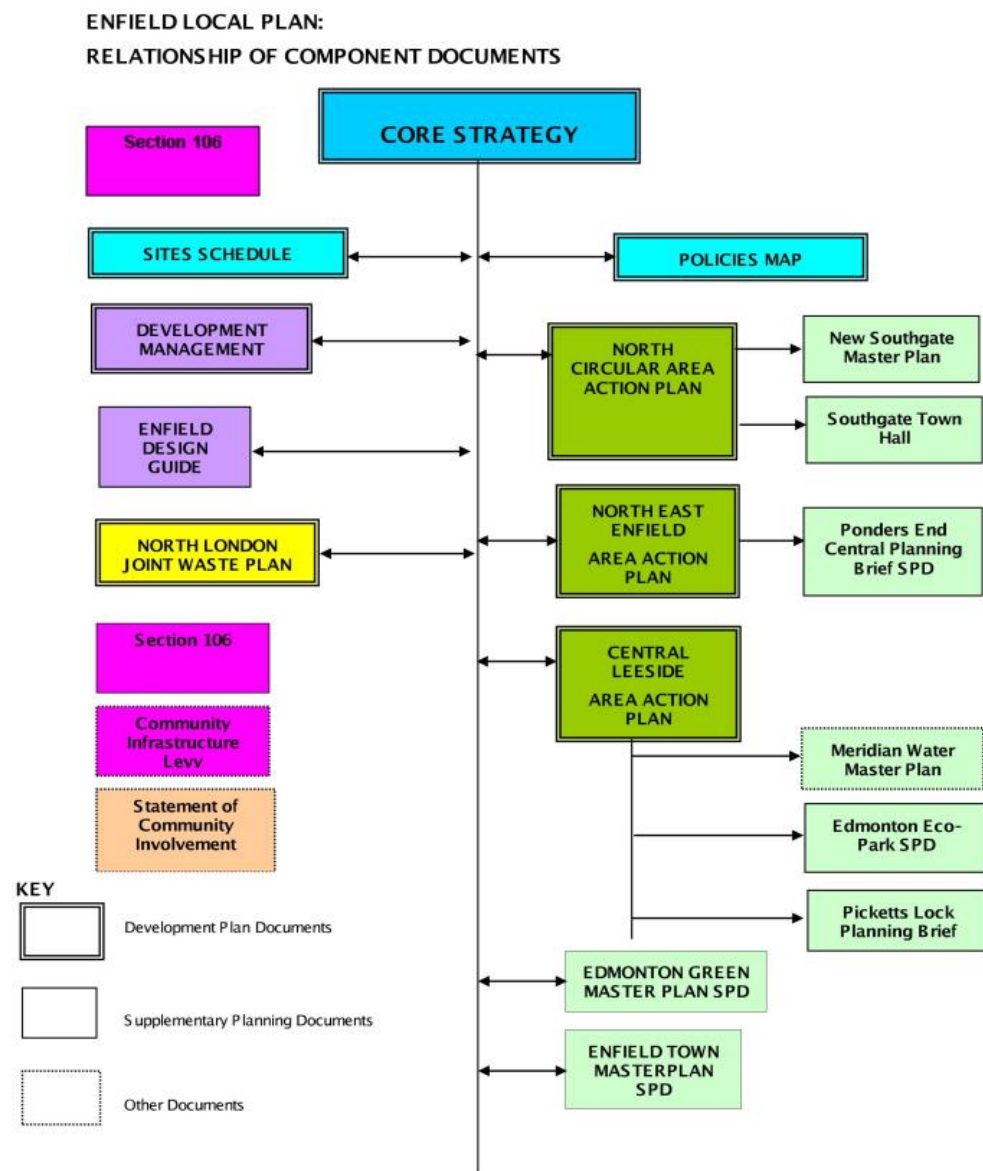


Figure 3.1

3 Planning Policy Context

Core Strategy

- 3.7** The Core Strategy was adopted in November 2010, and sets out the spatial planning framework for the long term development of the borough for the next 15 to 20 years. It is a strategic document providing the broad strategy for the scale and distribution of development and the provision of supporting infrastructure, ensuring that investment decisions are not made in isolation but are properly coordinated to ensure development is sustainable.
- 3.8** Core Policy 46 of the Core Strategy provides a list of provisions to be considered in obligations, with the highest priority given to affordable housing and public transport improvements. Other priorities include tackling climate change and the provision of facilities for learning and skills, health and affordable childcare. Recent evidence shows that demand for school places is exceeding supply across the borough. Therefore, subject to the pooling restrictions, contributions towards the provision of primary and secondary school places will be considered as a high priority. The Council will also seek to maximise employment opportunities through S106 contributions to fund business and employment initiatives.

Development Management Document

- 3.9** The Council adopted its Development Management Document in November 2014. The Development Management Document (DMD) supplements the Core Strategy and other policies within the London Plan by providing a set of detailed criteria-based policies with a local context, which will be used to assess all planning applications submitted to the Council.
- 3.10** Various policies in the Development Management Document highlight that site specific mitigation measures will be secured through Section 106 in respect of nature conservation, to remediate contaminated land and that Section 106 agreements will also be used to secure and monitor travel plans.

Area Action Plans (AAPs) and Masterplans

- 3.11** The Area Action Plans (AAPs) and masterplans are usually prepared for major areas of regeneration or growth. These provide further guidance on S106 requirements for the area which is the subject of the Plan.

Meridian Water Masterplan

- 3.12** Meridian Water is the largest regeneration priority area identified in the Council's adopted Core Strategy, where comprehensive development will take place. The CIL Charging Schedule (DCS) has a zero rate CIL charging area for residential development in the Meridian Water Masterplan Area. Although based on a small geographical area in the south eastern corner of the Borough, this is critical to the overall Plan delivery, and will provide up to 10,000 new dwellings overall. Strategic development in this area is likely to carry significant costs, as much of the new developments will come forward on former industrial use land which would have higher associated abnormal costs than other forms of development. However, it is recognised through the Central Leaside Area Action Plan that there may be scope to secure S106 contributions from developments within Meridian Water to help fund new infrastructure not on the CIL Regulation 123 list.

Supplementary Planning Documents

- 3.13** Supplementary Planning Documents will clarify the policy approach set out in the Core Strategy and Development Management Document.

3 Planning Policy Context

4 Enfield's Approach to Planning Obligations

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Summary of S106 requirements

- 4.1** Table 4.1 overleaf summarises the range of planning obligations that will be sought subject to meeting the tests under Regulation 122 of the CIL Regulations 2010 (as amended) for different types and scale of development borough-wide and for development within certain parts of the borough.
- 4.2** It is not possible to detail every possible type of development or circumstance in which a planning obligation may be required. Each planning application will be considered on its own merits. S106 agreements will be required to make acceptable development which would otherwise be unacceptable in planning terms, having regard to the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Appendix 1 of this SPD.
- 4.3** The 2008 Planning Act and CIL Regulations 2010 (as amended) have changed the use of Planning Obligations by placing into Law the policy tests on the use of Planning Obligations set out in Paragraph 204 of the National Planning Policy Framework (NPPF). Regulation 122 of the CIL Regulations now makes it unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation is not:
- Necessary to make a development acceptable in planning terms
 - Directly related to the development
 - Fairly and reasonably related in scale and kind to the development
- 4.4** The process for negotiating and securing planning obligations is set within the framework of national legislation and guidance, London-wide and local policy. Planning Obligations are generally agreed before, and are secured when planning consent for a site or scheme is granted planning approval.
- 4.5** The process for entering into a S106 agreement involves a number of stages:
- Discussion between developers and the Council at the pre-application stage. Developers should use this S106 SPD to establish the likely mitigation that will be required. Development Management officers will provide further advice on the type of mitigation and (where appropriate) the costing of mitigation measures.
 - At the application stage the Council will further appraise the scheme. Further negotiation may be required before agreement of the detailed heads of terms is reached.
 - At the decision making stage, Development Management Officers will instruct the Council's Legal Services to draft the agreement. The S106 agreement shall be signed by all parties before the planning decision is issued.
- 4.6** For the reason set out above, the Council strongly encourages the use of its pre-application service prior to the formal submission of development proposals. The pre-application stage offers the opportunity of dialogue on the design and overall acceptability of a scheme, and will also afford a developer the opportunity to modify the initial scheme prior to the formal submission of a full planning application. Doing so can also mean that proposals which would have little or no chance of being granted planning consent are not submitted, saving both time and money for all parties.
- 4.7** In the event that applications are referred to the Mayor of London for determination, further advice on the Mayor's processes is available from the Transport for London and Greater London Authority websites.
- 4.8** The Council occasionally receives retrospective applications for development that has already been implemented. Where such proposals would be subject to completion of an S106 Agreement, the same requirements for mitigation detailed in this SPD will apply, and a decision will not be issued until a S106 agreement has been signed. The Development Management case officer will decide whether off-site contributions are appropriate, or whether enforcement action is required, having regard to the individual circumstances of the case.

4 Enfield's Approach to Planning Obligations

	Residential Uses				Business Uses (B1, B2, B8, or Similar Sui Generis uses)		Retail and Leisure Uses	
Appropriate Mitigation (Priority 1 - Highest)	1-10 units borough wide	11-49 units borough wide	50 or more units borough wide	Ponders End and Meridian Water Regeneration Priority Areas; North Circular Area Action Plan Area, Enfield Town and Edmonton Green (Developments of 11 units or more)	Up to 1000 sqm	Above 1000 sqm	Up to 1000 sqm	Above 1000 sqm
Affordable Housing (1)	Only where the maximum combined gross floorspace is greater than 1000 sq m	Yes	Yes	Yes	No	No	No	No
Transport (1)	Yes	Yes	Yes	Yes	To be determined on a site by site basis	Yes	To be determined on a site by site basis	Yes
Education (1)	Only where the maximum combined gross floorspace is greater than 1000 sq m	Yes	Yes	Yes	No	No	No	No
Public Realm, Public Art and Cultural Initiatives (2)	No	No	Yes	Yes	To be determined on a site by site basis			
Business, Employment and Skills (2)	Only for proposals involving the loss of employment uses or land, or the	Yes	Yes	Yes	Only for proposals involving the loss of employment uses or land, or the	Yes	Yes	Yes

4 Enfield's Approach to Planning Obligations

	Residential Uses				Business Uses (B1, B2, B8, or Similar Sui Generis uses)		Retail and Leisure Uses	
Appropriate Mitigation (Priority 1 - Highest)	1-10 units borough wide	11-49 units borough wide	50 or more units borough wide	Ponders End and Meridian Water Regeneration Priority Areas; North Circular Area Action Plan Area, Enfield Town and Edmonton Green (Developments of 11 units or more)	Up to 1000 sqm	Above 1000 sqm	Up to 1000 sqm	Above 1000 sqm
	loss of employment				loss of employment			
Flooding and Climate Change (2)	No	Yes	Yes	Yes	To be determined on a site by site basis			
Green Infrastructure, Open Space & Recreation (2)	To be determined on a site by site basis		Yes	Yes	No	No	No	No
Healthcare Facilities (2)	No	No	Yes	No	No	No	No	No
Community Safety, Policing and Emergency Services (2)	No	No	Yes	Yes	To be determined on a site by site basis			Yes
Other Community Facilities (including libraries) (3)	No	No	Yes	Yes	No	No	No	No
Built Heritage and Conservation (3)	To be determined on a site by site basis							
Biodiversity (3)	To be determined on a site by site basis							

Table 4.1

4 Enfield's Approach to Planning Obligations

5 Process, Procedure and Management of Section 106 Agreements

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Scheme Viability and Infrastructure Delivery

- 5.1** The Council aims to facilitate development to deliver growth in line with its Core Strategy. This growth must be accompanied by necessary infrastructure. The Council will expect the applicant to provide the contributions set out in this document.
- 5.2** Development viability forms part of the national, regional and local policy framework when considering planning applications which trigger the delivery of obligations through the Section 106 process. The Council will expect that all schemes coming forward for determination are fully viable. Where the full range of planning obligations cannot be met, it is recommended that applicants seek pre-application advice from the Council, including the informal submission of a viability report prior to the submission of a full planning application.
- 5.3** In the case of residential development (or mixed use development involving an element of residential) if the applicant considers that the S106 requirements affect viability to an extent that it is not viable to provide the level of affordable housing required to meet the Council's Core Strategy Policy 3 - Affordable Housing, the applicant will be required to submit an affordable housing viability assessment which should be presented on a residual land value basis. The Council's preferred methodology is the GLA's Development Control Three Dragons Toolkit.
- 5.4** For non-residential development, an alternative residual valuation viability assessment should be undertaken in cases where the applicant considers that the requirements for S106 agreements cannot be met. The Council will review the viability assessments and enter into negotiation with the applicant. It may be necessary to appoint an independent expert to facilitate or contribute to the negotiations at the applicant's expense.
- 5.5** Negotiations will have regard to individual site circumstances and the relative priorities for S106, as detailed in this SPD. Notwithstanding normal payment arrangements set out in this section, the Council may accept -staging payments in line with stages of development if this facilitates the viability of the development and enables the developer to comply with the requirements set out in this document.
- 5.6** The key factors that determine viability are the nature of the site and proposal relative to existing use and specific costs. A significant proportion of the borough's housing growth will be delivered through the development of smaller sites as indicated in Core Strategy Policy 2. Development on these sites will still have localised and cumulative impacts, however, placing increased pressure on infrastructure within the Borough.

Variations Across the Borough

- 5.7** Land values vary across the borough. Viability work undertaken by consultants in 2013, and subsequently updated in June 2014 to inform the Council's CIL work, found that there are higher land values in the west of the borough and lower values in the east. Regard will be had to these variations and the impact they have on viability when negotiating for S106 agreements. The value of contributions that can be delivered is therefore likely to be higher on sites in the west of the borough.
- 5.8** However, there are variations within each of the postcode areas, with the exception of EN4. Here, even the lower values are significantly above the borough average. The lower values within the post code areas of N21, N14, N11 and N13 represent the borough average.
- 5.9** Below is a hierarchy of property values in Enfield, listed by postcode from highest to lowest.
- EN4 (Hadley Wood, Cockfosters) = the highest values
 - N21 (Winchmore Hill)

5 Process, Procedure and Management of Section 106 Agreements

- N14 (Southgate)
- N11 (New Southgate)
- N13 (Palmers Green)
- EN2 (Enfield - West)
- EN1 (Enfield - Central/East)
- N9 (Edmonton - North)
- EN3 (Enfield - East/Enfield Highway/Enfield Lock/Ponders End)
- N18 (Edmonton - South) = the lowest values

5.10 There are effectively two types of funding depending on the wording of the S106 agreement:

- Stipulated funds which very closely specify the nature of the mitigation - such as the number of affordable housing units to be provided on site; and
- Flexible funds where the funding is utilised more flexibly to appropriately secure the required mitigation – such as funds to be used to provide education in the borough.

5.11 For flexible funds, specific projects have been identified for the use of funds in the Core Strategy, Infrastructure Delivery Plan and Borough Investment Plan. Capital and revenue (maintenance) payments may be required depending upon the development scheme and type of contribution. It will take many years to deliver some of the identified infrastructure, particularly transport related infrastructure. S106 agreements will therefore need to contain clauses which reflect the long horizons for implementation. In some cases infrastructure will need to be constructed during the first phase of development to provide facilities for the first occupiers of the new development.

5.12 From time to time, development within a neighbouring Borough council area may negatively impact on parts of the Borough of Enfield. Where the Council is notified of developments which may have an effect on the delivery of services by Enfield Council, the authority will discuss such matters with other Councils as appropriate and seek obligations from the developer accordingly.

5.13 Following the decision to grant planning permission subject to finalisation of a Section 106 agreement, the Council's solicitors - in liaison with the applicant's solicitor - will complete the setting out of any necessary Obligations in the form of a binding legal agreement. This agreement will contain the necessary planning obligations, including any trigger points for payment of the contributions, and any other commitments to be undertaken by the developer as well as any covenants placed on the Council. Signed agreements are registered as a local land charge against the land. Copies of S106 agreements can be provided to interested parties for a small fee.

5.14 In the event of any delay in starting work on site, the Council will reserve the right to ask for an updated viability appraisal to be carried out in circumstances where an application is submitted to extend the time limit of an existing permission or any renewal of planning permission. All necessary costs would be borne by the applicant.

Management of Section 106 Agreements

5.15 The Council starts managing and monitoring each s106 agreement from the moment it is signed. This is a complex process as the individual S106 agreements contain different trigger points and obligations. The Council employs dedicated s106 monitoring officers to oversee this complex programme and ensure compliance with, and ultimately the delivery of, the obligations secured through s106 agreements. Typical contributions a developer will be required to make appear below.

Legal Fees

5.16 A standard clause within all S106 Agreements will require the applicant to pay the Council's legal fees for drafting and reviewing S106 agreements, and for reviewing unilateral undertakings whether or not the matter proceeds to completion.

5 Process, Procedure and Management of Section 106 Agreements

Management Fees

- 5.17** A S106 management fee will be charged for each S106 agreement. The fees for this will be reviewed on an annual basis and published separately on the Council's website.
- 5.18** The current fees (2016/17) are as follows:
- Up to 5% of the total value of financial contributions will be charged.
 - A fixed charge to manage non-monetary obligations of £350 per head of term; and
 - Reasonable fees will be charged for a deed of variation, which will vary depending on the complexity of the matter.
- 5.19** Any revenues generated from the fees will be used for S106 administration, monitoring and management purposes only.
- 5.20** Any amendments to the fees will be published on the Council's website www.enfield.gov.uk.

Trigger Points for Payments and Timing of Obligations

- 5.21** The timing of payments will ultimately be a matter to be agreed between the Council and the developer. Normally, all necessary infrastructure works or highway improvements should be carried out before occupation although in some instances these may be required before any development takes place.
- 5.22** Where the S106 agreement requires a financial contribution, this will normally be payable on commencement of the development. In some circumstances, subject to the agreement of clear trigger points the staging of payments may be acceptable for all, or some of the contributions, particularly where this would aid scheme viability.
- 5.23** The Developer must inform the Council when the relevant trigger points (or stages in the development), have been reached in order for the necessary invoice(s) to be raised by the Council and forwarded for payment. For larger development schemes it may be acceptable to phase payments. However this would require creation of a phasing agreement with appropriate trigger points. The onus would remain with the developer to inform the Council when triggers are reached.
- 5.24** Where trigger points are required to phase the payments, during the negotiation process the trigger points for each obligation shall be agreed between the developer and the Council. There are a set of established trigger points which are suitable for s106 agreements and, where these are selected for use they will be based on the nature of the obligation and the stage at which the mitigation is required. Typically, the trigger points are:
- Upon the date that the agreement is signed;
 - Upon or prior to commencement of the development;
 - Upon or prior to practical completion of the development; and,
 - Upon or prior to occupation of the development.

Index-Linking of Payments

- 5.25** Any financial contributions will be index-linked in order to allow for the fluctuation of prices between the date the agreement is signed and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index, from the date the s106 agreement is signed to the expected date of payment. The additional amount paid on top of the financial contribution adjusts the contribution in accordance with inflation.
- 5.26** The method of indexation should be specified within the legal agreement. This will usually either be the Retail Price Index (RPI) published by the Department of Trade and Industry (DTI) or the Building Cost Information Service Index (BCIS) published by the Royal Institution of Chartered Surveyors (RICS), depending on the nature on the contribution.

5 Process, Procedure and Management of Section 106 Agreements

Compliance with Financial Obligations

- 5.27** Where a S106 agreement contains a financial obligation, details of how to make the payment will be provided on the invoice which the Council will issue. The payment will be logged onto the Council's systems, once received.

Compliance with Non-Financial Obligations

- 5.28** Where a non-financial obligation is required through a S106 agreement, the developer should provide evidence of compliance with the obligation to the Council's Section 106 Monitoring Officer. This evidence would be required in any case should an application be made to discharge the Obligations at a later, unspecified point in time.

Enforcement

- 5.29** The developer should notify the Council upon commencement of development – or when other agreed triggers have been reached. Where the Council is not notified of this, and obligations become overdue, the Council will seek to enforce the obligation. From the date of adoption of this SPD, standard clauses will be included in the S106 agreement to insert an additional financial penalty where any obligations become overdue. This is proposed at £500 (minimum) or 5% of total value of the obligation outstanding - whichever is the greater amount for the particular scheme where contributions become overdue.

Examples:

1) The Council recently granted Mrs García-Lopez planning permission to build a large new housing development. The combined total of the obligations for her scheme total £131,783.00. Of this, due to various triggers within the S106 agreement a total of £26,783.00 must be paid before work begins - but the payment is not made.

- The Council writes to Mrs García-Lopez to remind her of her liabilities under the S106 and that, if the amount is not paid in full within 14 days a further penalty will be added, equal to 5% of the outstanding obligation. If she pays at this stage, only the initial £26,783.00 is due. If she does not pay within 14 days, a penalty equal to 5% of her outstanding obligation (£1,339.15) will automatically be added, which increases her total liability to £28,122.15.

2) Mr Smith has received planning permission for his scheme, and signs a S106 agreement committing him to pay financial contributions worth a combined total of £8,688.79. This amount is due in full before work starts on site.

- As 5% of the total contributions for this scheme will be £434.44, in the event that Mr Smith is late in paying the contributions he would face a minimum penalty of £500.

- 5.30** If it is evident the planning obligation is not being complied with, the Council may instigate enforcement action. This will initially involve contacting the applicant to remind them of their obligations. Failure to comply at this stage will see the penalty become active. The penalty fee (of £500 or 5%, as set out above) is payable in addition to standard clauses which will be inserted within the Agreement requiring that, where obligations remain unpaid following the due payment date, owners shall pay the Council interest at 4% above the prevailing base rate per annum on the outstanding sums.

- 5.31** Where the imposition of an additional penalty does not ensure prompt compliance with the outstanding obligation, the Council will take legal action to ensure the recovery of monies owed by applying to the courts for an injunction, or to recover any contributions payable.

- 5.32** The Council may, alternatively choose to carry out any works required under the planning obligation and then recover costs from the persons or companies that the obligation is enforceable against, while a court would reserve the right to impose further penalties or costs on those bodies who have breached the terms of the S106.

5 Process, Procedure and Management of Section 106 Agreements

- 5.33** Non-financial obligations contained within a S106 agreement are also legally binding. Where evidence emerges of a failure to comply with non-financial obligations, the Council will take action as necessary.

Deed of Variation

- 5.34** Following the completion and signing of a S106 Agreement, either the Applicant or the Council may find it necessary to modify the contents of an Agreement. Additional time, and therefore cost, will be required by the council and in the negotiation, preparation and the drafting of such agreements. Reasonable fees will be charged for this, which will vary dependent on the complexity of the matter.

5 Process, Procedure and Management of Section 106 Agreements

6 The Council's role in Monitoring and Delivery of Section 106 Planning Obligations

6 The Council's role in Monitoring and Delivery of Section 106 Planning Obligations

Financial Contributions

- 6.1** Once a financial contribution is received by the Council, the service area or organisation with the responsibility for delivery of the s106 project will be informed. Projects funded through planning contributions will be selected through strategic objectives, which identify the infrastructure needed within the Borough through public consultation and work undertaken by the individual service areas in the Council.

Non-Financial Obligations

- 6.2** The delivery of non-financial contributions, or in-kind obligations, will be monitored by the appropriate service areas responsible for project delivery. For example, where there is an Affordable Housing element to a legal agreement, the Affordable Housing Team will monitor this section of the agreement to ensure that it is complied with.
- 6.3** To ensure the efficient operation of the S106 process the Council will, as set out above:
- Monitor all 'trigger points' (stages of development);
 - Ensure that benefits and/or monies identified in the Agreements appropriate to that trigger are secured;
 - Manage the receipt of monies and the setting up and monitoring of the bespoke accounts relating to each mitigating project;
 - Procure the required works from third parties such as Transport for London where necessary; and manage spending of S106 money and infrastructure delivery.
- 6.4** In order to compensate for any loss of value of received S106 receipts arising from inflation, pending expenditure all monies received will be held in interest bearing accounts. Any interest accrued will be applied by the Council to s106 related projects.
- 6.5** Specific numerical information relating to prices, formulas and, subsequently, the level of contributions due will need to be updated on a regular basis in order that the document remains relevant. Area-based planning obligations strategies will also need to be reviewed as part of this process to ensure the tariffs are based on the most reliable and up to date evidence. The changes will be published in the Annual Monitoring Report. Any amendments to fee schedules will also be published on the website.
- 6.6** The Council has a S106 officer who is responsible for monitoring planning legal agreements, managing the implementation of Planning Contributions and non-monetary heads of terms. The Council has an established process for recording and monitoring Section 106 Agreements and other relevant legal agreements, including a database with details of all agreements.

6 The Council's role in Monitoring and Delivery of Section 106 Planning Obligations

7 Contributions for Affordable Housing

7 Contributions for Affordable Housing

Context

- 7.1** Demand for housing in the borough is high. The provision of affordable housing is integral to meeting and maintaining a balanced mix of the different sizes, tenures and types of housing required to address these demands. The Council's Affordable Housing policy is set out through Policy 3 of the Core Strategy and policies DMD1 and DMD2 of the Development Management Document.
- 7.2** The National Planning Policy Framework (NPPF) defines Affordable Housing as 'Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision'.
- 7.3** Several different types of affordable housing products are currently available. Where new products are introduced which meet the Government's definition of Affordable Housing, these will also be considered as Affordable Housing for planning policy purposes.

Development For Which Contributions Will Be Sought

- 7.4** In light of changes to the Government's National Planning Practice Guidance (NPPG) following the Court of Appeal decision on 11 May 2016 (referred to in paragraphs 1.2-1.4), Affordable Housing contributions will be sought from schemes of 11+ units (irrespective of the floorspace of the site). Contributions will also be sought from proposals for 1-10 units where the maximum gross combined floorspace of the site is over 1000 square metres. All residential and mixed use development which satisfies the above criteria will be required to contribute towards Affordable Housing where there is a net gain of units. This includes development proposals which involve the subdivision and/or conversion of properties to flats.
- 7.5** For developments of 10 units where the floorspace is greater than 1,000 square metres, the development would still be subject to Section 106 requirements as it would fall outside the scope of the new national policy position. Under this scenario, the Council's policies DMD1, Core Strategy Policy 3 and the S106 SPD would continue to apply to decision making.

Viability and Financial Contributions

- 7.6** A financial viability assessment will be sought by the Council for planning applications on all sites capable of providing 11 or more units for schemes that provide less than 40% affordable housing. This should form part of the supporting information which accompanies the submitted planning application. Where the gross floorspace of the site is greater than 1,000 square metres, viability assessments may also be sought from proposals of 1-10 units if the scheme does not make provision for the necessary S106 contributions (required by the Council's policies DMD1, DMD 2, Core Strategy Policy 3 and the requirements of this SPD). Developers should note that such schemes are outside of the scope of the national policy exemptions.
- 7.7** The Appraisal would be made available to the public, and, if necessary, would be used by the Council when defending an appeal. Commercial sensitivity will be assessed on a case by case basis.
- 7.8** The Council will use the GLA's Affordable Housing Development Control Toolkit (2011) to inform its decision on the viability of proposed development schemes. The applicant will be responsible for providing all supporting information to enable the Council to make an informed decision on the financial viability of the proposed development scheme.

7 Contributions for Affordable Housing

Scheme re-appraisals

- 7.9** If, following consideration of evidence submitted through a viability assessment, it is agreed that it is not viable to provide 40% affordable housing, the Council may require a scheme reappraisal to be carried out at a later date, particularly in cases where the estimated open market value of units is considered by the Council to be too low.
- 7.10** At the point at which 50% of the open market units have been sold, the Council will require the developer to submit a revised viability assessment. Should this assessment indicate that it is viable to provide additional affordable units, these units should be provided wherever possible on site. If this is not possible, the developer will be required to pay a financial contribution, based on the results of the viability assessment that will be used to deliver affordable housing elsewhere in the borough. For larger developments of 25 units and above, additional re-appraisals may be required at 75% and 90% of market sales.
- 7.11** As set out by paragraph 5.14, in any circumstances where a revised viability assessment is required, these costs will be borne by the applicant.

Vacant Building Credit

- 7.12** National policy provides an incentive for brownfield development on sites containing vacant buildings. The 'Vacant Building Credit' aims to return a greater number of empty buildings back into active use. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions will only be applicable to any increase in floorspace. The Vacant Building Credit does not apply where buildings have been abandoned.
- 7.13** The Council will calculate the level of Affordable Housing contributions due and then apply a credit, which will be the equivalent of the gross floorspace of any buildings being brought back into use or demolished as part of the scheme. This will then be deducted from the affordable housing calculation and 'credited' against the floorspace of the new development.
- 7.14** For example, where a building with a gross floorspace of 8000 square metres is demolished as part of a new, proposed development which has a gross floorspace of 10000 square metres, the resulting affordable housing contribution would be based on a development of 2,000 square metres.
- 7.15** Affordable housing contributions would still be required for any increase in additional floorspace through development activity. With reference to the example above, should the existing site of 10,000 square metres gain 5,000 square metres of additional floorspace via a development proposal, the equivalent Vacant Building Credit for 8,000 square metres would be deducted from 15,000 square metres. Contributions would then be payable on the remaining 7,000 square metres.

Proposals involving the provision of 10 or fewer units with a combined floorspace greater than 1,000 square metres

- 7.16** On sites which propose the development of 1-10 units which have a combined gross floorspace greater than 1,000 square metres, the formula set out below will be used to calculate the financial contribution payable.

A (Open Market Value of the proposed unit) X B (residual land percentage variable by CIL zone) + C (15% for site acquisition and servicing costs) = D (per unit sum).

Per Unit Sum (D) X 20% = Financial Contribution Payable

7 Contributions for Affordable Housing

7.17 Where contributions are payable, the new 'Calculation Methodology for Financial Contributions' report, received in July 2016 identifies that the residual land value (RLV) of a site is affected by the CIL zone in which the site is located, as shown below. Table 7.2 below provides examples of how the formula works in practice.

NIL CIL Zone Meridian Water Masterplan area	23.9%
CIL Zone Lower	23.0%
CIL Zone Intermediate	31.4%
CIL Zone Higher	35.7%

Table 7.1 Calculating residual land value by CIL Zone

Type of Unit	Open Market Value (A)(for illustration only)	(A x B)	C	Per Unit Sum (D) (AxB)+C	Examples of financial contribution payable D x 20% (0.2)
Studio/ 1 bed unit	£200,000	NIL CIL 23.9 = 47,800	47,800 x 0.15 = 7170	54,970	£10,994
		CIL Low 23.0 = 46,000	46,000 x 0.15 = 6900	52,900	£10,580
		CIL Inter 31.4 = 62,800	62,800 x 0.15 = 9420	72,220	£14,444
		CIL High 35.7 = 71,400	71,400 x 0.15 = 10,710	82,110	£16,422
2 bed unit	£300,000	NIL CIL 23.9 = 71,700	71,700 x 0.15 = 10,755	82,455	16,491
		CIL Low 23.0 = 69,000	69,000 x 0.15 = 10,350	79,350	15,870
		CIL Inter 31.4 = 94,200	94,200 x 0.15 = 14,130	108,330	21,666
		CIL High 35.7 = 107,100	107,100 x 0.15 = 16,065	123,165	24,633
3 bed unit	£350,000	NIL CIL 23.9= 83,650	83,650 x 0.15 = 12,547.50	96,197.50	19,239.50
		CIL Low 23.0= 80,500	80,500 x 0.15= 12,075	92,575	18,515
		CIL Inter 31.4 = 109,900	109,900 x 0.15 = 16,485	126,385	25,277
		CIL High 35.7 = 124,950	124950 x 0.15 = 18,742.50	143,692.50	28,738.50
4+ bed unit	£450,000	NIL CIL 23.9 = 107,550	107,550 x 0.15 = 16,132.50	123,682.50	24,736.50
		CIL Low 23.0 = 103,500	103,500 x 0.15 = 15,525	119,025	23,805
		CIL Inter 31.4 = 141,300	141,300 x 0.15 = 21,195	162,495	32,499

7 Contributions for Affordable Housing

Type of Unit	Open Market Value (A)(for illustration only)	(A x B)	C	Per Unit Sum (D) (AxB)+C	Examples of financial contribution payable D x 20% (0.2)
		CIL High 35.7 = 160,650	160,650 x 0.15 = 24,097.50	184,747.50	36,949.50

Table 7.2 Examples of how the formula works in practice by CIL zone

7.18 Any financial contributions will be pooled and used to provide affordable housing. It may take a number of years to acquire adequate pooled funds to implement affordable housing development; however the S106 agreement will reflect this by ensuring that funds are normally only returned to developers if they remain uncommitted after ten years following the final payment pursuant to the S106.

Proposals involving the provision of 10 or fewer units with a combined gross floorspace of less than 1000 square metres

7.19 Where proposals are received for development of 10 units, or fewer, full weighting can no longer be applied to the Council's policies DMD 2, Core Strategy Policy 3 or policy DMD 1 (only for developments of 10 units which have a gross floorspace of 1,000 square metres or less) as the new national policy is a material consideration in the determination of any applications. Affordable housing (and other tariff-based) contributions will therefore not be sought, in line with the written ministerial statement and paragraph 31 of the NPPG Planning Obligations section.

Proposals involving the provision of 11 or More Units

7.20 On sites capable of providing 11 or more units (net), including mixed use schemes with an element of residential, affordable housing should be delivered on-site unless there are exceptional circumstances to justify otherwise. This may include, for example, where on-site affordable housing would not support the aim of creating sustainable communities.

7.21 Of the affordable housing units secured, 70% should be social or affordable rent and 30% intermediate housing, in line with London Plan policies 3.10 and 3.11. Sites in areas of predominately social housing may be appropriate for higher proportions of intermediate housing to assist in the creation of mixed and balanced communities. Where the Council considers that it would be more appropriate to provide a different tenure mix which is more consistent with housing need, the applicant will be advised as such. Developers should comply with Core Strategy policy 5 and policies within the Development Management Document which set out the requirements for the mix of housing sizes.

7.22 Either the developer or registered provider will then be required to enter into a nominations agreement with the Council to ensure that affordable housing units are provided to people on Enfield Council's Housing Register. To ensure that affordable housing units are used, occupied and retained in perpetuity for the purposes of affordable housing, affordable housing will be secured in perpetuity through a Section 106 Agreement. The exception will be where the mortgagee exercises the rights to take possession; the tenants exercise the right to buy, and in the case of shared ownership units where 'staircasing' will enable an affordable housing unit to change tenure to market housing.

7.23 Where, in exceptional circumstances, the payment of a financial contribution in lieu of on-site provision is considered acceptable the developer will be required to pay a contribution that reflects both the land value and build costs for the number of affordable units that should have been provided on site applying the 40% target. This will ensure that the contributions are 'of broadly equivalent value' to that which would have been secured through on-site provision.

7 Contributions for Affordable Housing

- 7.24** The calculation should be based on the same ratio of market: affordable units which would be achieved as if they were provided on site. Thus, on a scheme of 15 units involving 40% on site affordable housing there would be 9 private and 6 affordable housing units. If it is not viable to provide a financial contribution which equates to 40% on site provision, a viability assessment should be submitted.
- 7.25** The open market value of the units included in the assessment should equal the value of the new build open market units provided on the development site. The value should not be derived by averaging out values achieved in transactions of properties in the surrounding area. The current market price of units should be determined by an independent valuer (as agreed between the Council and the developer) engaged at the developer's cost and to the satisfaction of the Council.
- 7.26** In some cases it may be appropriate for developers to transfer land, either to the Council or a Registered Provider instead of providing a financial contribution. In such cases, the value of the land to be transferred should equal or exceed the required financial contribution.

Starter Homes

- 7.27** The Housing and Planning Act makes provision for a new form of Affordable Housing, known as 'Starter Homes'. 'Starter Homes will be required on sites of 10 units or more. It is proposed that 20% of the current 40% Affordable Housing required on-site be starter homes. Much of the finer detail setting out how the 'Starter Homes' system will operate is still to be published via secondary legislation. An update to the SPD will be required following publication of the secondary legislation.

Justification

- 7.28** Requirements for S106 obligations and contributions are based on Policy 3 of the Core Strategy, adopted in November 2010, the Community Infrastructure Levy (CIL) and Development Management Document (DMD) viability assessment carried out in November 2012.

7 Contributions for Affordable Housing

8 Contributions for Transport and Highways

8 Contributions for Transport and Highways

Context

- 8.1** New development in the borough will place additional stress on the borough's transport and highway networks, including public transport infrastructure and will also increase the risk of additional traffic congestion.
- 8.2** Certain strategic transport schemes will be funded through the CIL regime as detailed in the Council's Regulation 123 List. Planning Contributions via S106 and highways agreements (under Section 278 of the Highways Act) will remain relevant to fund sustainable transport improvements within the immediate vicinity of development sites that are needed to mitigate any identified impacts of development. In some circumstances Section 106 contributions will be sought and pooled.
- 8.3** A definition of the term 'Sustainable transport' refers to all forms of transport which have less impact on the environment than single occupancy car use. For the purposes of defining S106 contributions in Enfield, sustainable transport includes: walking, cycling, public transport (rail, tube and bus services) or accessibility there to car clubs, taxis and infrastructure to support electric vehicles. It also includes enhancements to wayfinding, security, lighting, and passenger information signage.
- 8.4** Mitigation measures should provide the necessary additional transport or highway improvements to meet the likely travel demand which will be generated by new developments. Any necessary alterations to the transport or highway network either within, or in the vicinity of, new development will be expected to be incorporated within proposals.
- 8.5** Planning permission will be refused if the developer is unwilling or unable to provide the necessary solutions.

Development For Which Contributions Will Be Sought

- 8.6** Contributions or obligations for sustainable transport measures may be sought for all residential development (with a net increase in units); commercial development and community infrastructure development. Contributions will be sought for schemes that are below the 1,000 sq m threshold subject to the outcome of Transport Assessments submitted with the planning application.

Mitigating The Impacts of Travel

- 8.7** The development must provide any necessary upgrades or additional transport infrastructure (where required) to mitigate the impact of development. The Council will expect that any necessary adjustments to the road network or transport routes either within, or in the vicinity of, the development site, will be provided.
- 8.8** Development activity also increases the need to improve transport alternatives such as walking, cycling and public transport which, in turn, requires further investment and incentivisation for new occupants of developments to make these modes more appealing and attractive. The Council will continue to seek S106 contributions from development proposals in line with the legal tests and the pooling restrictions set out under Regulations 122 and 123 of the CIL Regulations 2010 (as amended).
- 8.9** Such works will normally be required at the development site, and/or in the vicinity of the development. The scope of any off-site works required to mitigate the impact of development may require agreement under both the Town and Country Planning Act and a s278 highways agreement. Junction improvements and any timescales for implementation would need to be defined and agreed with highways officers.

Contributions Towards Sustainable Transport Improvements

- 8.10** Borough-wide S106 revenue will be used to fund sustainable transport measures including the following:
 - Improvements to the pedestrian environment

8 Contributions for Transport and Highways

- Provision of new, or existing cycle facilities such as on and off-street cycle tracks and lanes
- Sustainable travel incentives for new residents or employees;
- Secure, covered cycle parking (unless provided on site and secured through condition);
- Car pooling schemes;
- Electric car charging (in circumstances where this cannot be provided on site as part of the development)
- Controlled Parking Zones (CPZ)

Calculating The Level of Contribution

8.11 As noted above, contributions or obligations for sustainable transport measures or new infrastructure may be sought in relation to development on sites to mitigate local impacts. The size of any monetary contribution required to mitigate likely highways impacts will be determined through negotiations between the Developer, the Council and in most cases will be set out in the Transport Assessment/Statement or the Travel Plan. The cost of any works to the public highway will be determined on a case-by-case basis by the Council's Highway Engineers. Developers should note that TfL is the responsible highway authority for approving works and determining the cost of works on the TfL road network, the A10 and A406, which pass through the borough.

8.12 In addition, non-financial obligations may also be required. These will typically include:

- Car and Permit Free Agreements – which restrict residents applying for on-street car parking permits;
- Car clubs – provide onsite parking for car club use, providing marketing about the availability of the car club and free membership for a period of years for residents of the development;
- Electric Vehicle Charging – provision of electric charging points; and
- Travel Plan – preparation, submission and subsequent monitoring to ensure compliance.

8.13 Where financial obligations are required, these will typically include:

- New secure cycle parking areas and facilities;
- New, or additional road crossings where these are required;
- Sustainable transport measures including car clubs or cycle hire schemes
- Improvements to bus stops and waiting shelters

8.14 Where car-free and car-capped schemes are proposed, the Council will seek a planning obligation from the developer to ensure that residents are aware of the restriction. In some circumstances, it may be appropriate in locations such as town centres for a S106 agreement to require the extension of a Controlled Parking Zone (CPZ) or to prevent new residents from being eligible for parking permits. Requirements for travel plans and adherence to commitments within the plan may also be secured through a S106 agreement.

Type of Development	Appropriate Mitigation	Example of Contributions required
Residential (under 50 units)	Sustainable travel incentives	Requirement for the developer to provide a travel pack to include sustainable travel information and incentives for each new household: site specific local travel information; free oyster card with credit and free car club membership and trial use (where appropriate)
Residential (50 or more units)	Sustainable travel incentives; Car pooling; Electric car charging	Requirement for the developer to provide a travel pack to include sustainable travel information and incentives for each new household: site specific local travel

8 Contributions for Transport and Highways

Type of Development	Appropriate Mitigation	Example of Contributions required
		<p>information; free oyster card with credit and free car club membership and trial use (where appropriate)</p> <p>Contribution to fund car club infrastructure (provision of vehicle parking spaces and implementation of the associated traffic order) and one year's membership per unit.</p> <p>Contributions towards installation of electric car charging points.</p> <p>Public Transport infrastructure (excluding that included on the CIL Reg 123 list)</p>
Commercial (including industrial and retail development)	Sustainable travel incentives; Car pooling; Electric car charging	<p>Requirement for the developer to provide a travel pack to include sustainable travel information and incentives for each new household: site specific local travel information; free oyster card with credit and free car club membership and trial use (where appropriate)</p> <p>Contribution to fund car club infrastructure (provision of vehicle parking spaces and implementation of the associated traffic order) and one year's membership per unit.</p> <p>Contributions towards installation of electric car charging points.</p> <p>Contributions to fund CCTV, waiting restrictions and pedestrian improvements (schools)</p> <p>Public Transport infrastructure (excluding that included on the CIL Reg 123 list)</p>

Table 8.1

Thresholds for Travel Plans

- 8.15** A Travel Plan is a long term management strategy for a site that seeks to deliver sustainable transport objectives. Travel Plans seek to encourage a more efficient and more sustainable use of the transport system, for both people and goods. Paragraph 36 of the NPPF requires the provision of travel plans to be provided for all developments which generate significant amounts of movement.

8 Contributions for Transport and Highways

- 8.16** Policy DMD 48 provides guidance on transport assessments and travel plans. The submission of travel plans will be required for significant trip generating developments. Travel plans or transport assessments should be produced in accordance with guidance from Transport for London (TfL). The latest versions of any guidance will be available via the TfL website.
- 8.17** A travel plan should set out how the end users of the development will accord with sustainable transport objectives, identifying a package of measures that promote sustainable transport with an emphasis on reducing travel by motor vehicles and encouraging walking and cycling, as set out by Policy 6.3 of the London Plan and TfL's Transport Assessment Best Practice Guidance. The submitted information must be sufficiently detailed and accurate to enable the Council to fully assess the development proposal.

Transport Contributions in Growth Areas

- 8.18** Contributions will be sought and pooled, in accordance with pooling restrictions identified in CIL Regulations 122 and 123, for public transport improvements in areas where growth is planned.
- 8.19** Within and around Enfield Town, contributions may be sought and used for access improvements to Enfield Town, and general improvements to the pedestrian and cycle environment.
- 8.20** In October 2014 the Council adopted the North Circular Area Action Plan. Infrastructure requirements for this area are identified by table D4 of the 2014 Infrastructure Delivery Plan (IDP) Supporting Schedules.
- 8.21** The North East Enfield Area Action Plan was adopted in June 2016. Within and around Ponders End, contributions may be sought and used for the following:
- Pedestrian and cycling improvements
 - Station access improvements to Ponders End and Southbury Station
 - Improved local bus services between Ponders End and the following destinations: Edmonton Green; Enfield Town and Central Leaside
- 8.22** Table D1 of the IDP outlines a full list of key projects for the Central Leaside area. Within Meridian Water Masterplan area, contributions will be sought and used for the infrastructure not contained on the Regulation 123 list including that relating to the provision and operation of car clubs. Further information is provided in the Central Leaside Area Action Plan.
- 8.23** Within the Edmonton Green priority area, the general focus will be on public realm and cycling improvements.

Justification

- 8.24** Core Strategy Policy 46 identifies public transport as 'highest priority' alongside affordable housing. Highways and access improvements, including pedestrian and cycling initiatives are identified as other provisions that may be required.
- 8.25** Objective 8 of the Core Strategy seeks to enhance traffic flow by the provision of appropriate infrastructure as well as the promotion of sustainable methods of transport and a pattern of development that reduces the need to travel. To achieve this, and Objective 2 (environmental sustainability), 'sustainable transport measures' will be considered as appropriate mitigation and as part of the consideration of these measures, public transport contributions will be sought as the highest priority, in accordance with Core Policy 46.
- 8.26** Policies 25 and 26 of the Core Strategy and DMD Policy 47 detail the Council's approach to securing improvements for pedestrians and cyclists, and for public transport improvement respectively, and further details are set out in the Council's Infrastructure Delivery Plan and Local Implementation Plan.
- 8.27** At the regional level, the London Plan contains a number of policies related to transport (Chapter 6). The key policies relating to development promoting transport and highways improvements include:

8 Contributions for Transport and Highways

- Policy 6.1 – Strategic Approach: The policy promotes reducing the need to travel and improving the capacity and accessibility of public transport, walking and cycling;
- Policy 6.3 – Assessing Effects of Development on Transport Capacity: This policy requires that the impacts of development on transport capacity are fully assessed through the submission of transport assessments in accordance with TfL guidance, as well as construction and logistics plans where relevant.

8 Contributions for Transport and Highways

9 Contributions for Education

9 Contributions for Education

Context

- 9.1** The creation of additional homes will result in increased pressure on the availability of primary and secondary school places and in the current context of rising pupil numbers, will create demand for new or expanded provision. There is already significant pressure on school places as a result of a growing youth population and the increase of the school leaving age.
- 9.2** Evidence⁽¹⁾ from the Council's Education department indicates a need to deliver 11 additional permanent forms of primary entry between September 2016 and September 2019. Current plans account for nine of those. The two new projects will be subject to a review of available funding and delivery options to reflect current national policy and funding regimes.
- 9.3** Current Education Funding Agency plans will deliver 11 secondary forms of entry over this period. Secondary tuition centre provision is still needed for children requiring support to re-enter the mainstream school environment. Furthermore there is a need to increase capacity in schools and establishments that provide education services for some of the most acute special need categories.
- 9.4** Academies and free schools may contribute a limited number of school places. However, extensions to any existing facilities which are essential to meet school place needs will remain under the S106 process. These would be subject to the new S106 pooling restrictions. As most school sites that can easily accommodate expansions are already built out, the need to acquire additional land is increasingly a feature of expansion projects. This presents a key challenge, as land acquisition is not covered by the funding from government to create additional school places.
- 9.5** The GLA school roll projections do not, however, take account of cross-borough movements of pupils. The projections also do not account for significant housing developments which will have a direct impact on the demand for school places locally.

Development For Which Contributions Will Be Sought

- 9.6** The Council will seek contributions for increased or improved education provision from residential development of 11 or more homes. Contributions from schemes of 1-10 units will be required where the maximum gross floorspace of the site is greater than 1,000 square metres. Residential development on major sites will result in increased pressure on the availability of primary and secondary school places and in the current context of rising pupil numbers, will create demand for new or expanded provision.
- 9.7** Development of residential care homes for the elderly will be exempt from provision. Schemes of 1-10 residential units which have a gross floorspace of 1,000 square metres (or less) are exempted from making contributions under national policy, set out by the Written Ministerial Statement of 28 November 2014 and Paragraph 31 of the NPPG's Planning Obligations section.
- 9.8** Monetary contributions towards education facilities will be used to mitigate the impact of development and allocated to projects in line with the pooling restrictions set out by CIL Regulations 122 and 123. In respect of education, it should be noted that primary school catchments are generally much smaller than secondary schools - which can be as large as the entire Borough. Financial contributions will typically be used for the provision of additional school places via adapting/extending or refurbishing existing schools.
- 9.9** Financial Contributions received for education will also be used for day care nurseries and will help to fund the provision of additional early years childcare places for the benefit of local workers. This may be in the form of a start-up grant for a new childcare provider or a financial contribution to expand existing childcare provision at an existing facility.

1 reported to the Council's Cabinet 21st October 2015

9 Contributions for Education

Calculation For Contributions Towards Education

- 9.10** The contributions for education have been informed by average child yields which are multiplied by capital costs. Cost multiplier figures will be updated annually in line with any changes to Building Cost Information Service (BCIS) costs.
- 9.11** Financial contributions are sought at a rate of £2,535 per dwelling, regardless of unit size. ⁽²⁾ For larger residential developments, additional contributions may be sought given that child yields are greater from family housing, and that child yields can also vary according to the tenure of dwellings provided. The GLA's population yield calculator, available at <http://data.london.gov.uk/dataset/population-yield-calculator> helps to provide some indication of the population growth (including child numbers) which is likely to arise from a given development.
- 9.12** In some cases, instead of providing the financial contribution it may be appropriate for developers to transfer land to the Council for a site to be developed to provide education facilities. The value of any land to be transferred should equal or exceed the required financial contribution. A 'top-up' financial contribution may also be permissible where the value of any land to be transferred does not equal the full value of the contribution, as long as the land is of a reasonable size and is suitable for education uses.
- 9.13** Where the opportunity arises, it may also be possible to incorporate an education, childcare and/or library facility within a new major development, particularly if the proposed development will comprise a mix of uses. In doing so, this would also enable a developer to save money on any economies of scale associated with undertaking works as part of the wider development. The exact nature, scale and design of any works undertaken by the developer will be agreed between the Council and the applicant/developer.

Justification

- 9.14** In common with most other London boroughs, Enfield has experienced a significant increase in demand for primary school places. A steeply rising annual birth rate in the last decade has been the main driver of this increase but new housing and international migration have also been contributory factors. The additional demand for primary school places is borough-wide, while Edmonton, the North East and Enfield Town have been the most affected areas of the borough in recent years. Any continued increase in the numbers of primary school pupils will require the provision of additional secondary school places.
- 9.15** Core Strategy Policy 8 sets out the Council's plans to deliver new educational facilities and further information is provided in the Infrastructure Delivery Plan.
- 9.16** Policy 16 of the Development Management Document (DMD) notes that new community facilities, which include Education and Libraries, will be required as part of development within the strategic growth areas. Policy 18 of the DMD sets criteria for Early Years Provision. The co-location of such facilities with other community uses is strongly encouraged.
- 9.17** The NPPF and the London Plan set out the national and regional policy position on the provision of education facilities including:
- As part of a promotion of a mix of uses, paragraphs 37-38 of the NPPF state that journey lengths for education should be minimised and that, where practical, particularly within large-scale developments, key facilities such as primary schools should be located within walking distance of most properties.
 - Paragraph 72 of the NPPF stresses that the Government gives great importance to ensuring that a sufficient choice of school places is available to meet the requirements of both new and existing communities. It requires that all Local Planning Authorities take a proactive, positive and collaborative approach to meeting this requirement, and give great weight to the need to create, expand or alter schools.

2 This figure is based on early years primary and secondary provision arising from a 2 bed unit, as detailed in the March 2015 draft SPD.

9 Contributions for Education

- Paragraph 70 of the NPPF focuses on community facilities, including Libraries. It urges Local Planning authorities to deliver the social, recreational and cultural facilities and services that a community needs, by planning positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services.
- Policy 3.16 of the London Plan recognises the role that Local Authorities have in supporting the provision of social infrastructure to support London's diverse and growing population.
- Policy 3.18 of the London Plan supports the provision of early years, primary and secondary school and higher education facilities which must be adequate to meet the demands of a growing and changing population, and to enable greater educational choice, particularly in areas with poor educational performance.

9.18 Outside of Planning, Section 14 of the Education Act 1996 requires that an authority ensures that sufficient school places are available within its area for children who are of compulsory school age. Case law upon this statutory duty confirms that compliance with the duty requires an education authority to actively plan to remedy any shortfall.

9 Contributions for Education

10 Contributions for Climate Change, Flooding and the Environment

10 Contributions for Climate Change, Flooding and the Environment

Context

- 10.1** Policies within Enfield Council's Development Management Document require that developers have achieved the highest possible standards of sustainable design and construction in their schemes.
- 10.2** Developer contributions will be used to both mitigate and adapt to the effects of climate change, and minimise emissions of carbon dioxide arising from development, including:

Mitigation:

- Using less energy, in particular by adopting sustainable design and construction measures;
- Supplying energy efficiently in particular by prioritising decentralised energy generation; and
- Using renewable energy.

Adaptation:

- minimising overheating and contribution to heat island effects;
- minimising solar gain in summer;
- contributing to reducing flood risk including applying principles of sustainable urban drainage;
- minimising water use;
- carbon fund contributions; and
- protecting and enhancing green infrastructure.

Development For Which Contributions Will Be Sought

- 10.3** A S106 agreement may be required for all residential and commercial developments. Requirements for contributions will be assessed following consideration of the Energy Assessment submitted with the planning application.
- 10.4** In accordance with the energy hierarchy set out in London Plan Policy 5.2, wherever possible development proposals should address climate change through the design of the scheme. In exceptional circumstances where this is not possible a S106 contribution will be required. Financial contributions will be pooled into a carbon fund (see paragraph 10.8).

Carbon Fund and Zero Carbon

- 10.5** From 1 October 2016, the GLA will apply a 'zero carbon' standard to residential development. Zero carbon homes are homes which form part of major development applications where the residential element of an application achieves at least a 35% reduction in regulated carbon dioxide emissions (beyond Part L 2013 Building Regulations) on-site. The remaining carbon dioxide emissions, up to 100%, should be off-set through a financial contribution to secure delivery of carbon dioxide savings elsewhere.
- 10.6** Under the 'Nearly Zero Energy Buildings' standard by 2020, commercial development should continue to achieve 35% above the standards of Part L of the Building Regulations 2013. The Council will expect that development achieves these targets. GLA guidance on preparing energy assessments is available from the website www.london.gov.uk

10 Contributions for Climate Change, Flooding and the Environment

Year	Type of Development	Improvement on 2013 Building Regulations Part L
2016-36	Residential	Zero Carbon (at least 35% on-site)
2016-20	Commercial	35 per cent

Table 10.1

10.7 Policy DMD 51 requires that contributions are made for all development which does not achieve the carbon dioxide emission levels set out in the DMD and London Plan policy 5.2. However, the GLA 'Zero Carbon' policy has now superseded the previous national guidance on this matter. The GLA's 'Zero Carbon' policy is applicable to major developments.⁽³⁾

10.8 The GLA's Housing Standards Viability Assessment assumes a carbon off-set price of £60 per tonne of carbon dioxide for a period of 30 years.⁽⁴⁾

Development For Which Contributions Will Be Sought

10.9 Where developers can demonstrate that the attainment of targets specified in DMD51 will not be technically feasible or economically viable, a financial contribution will be sought to offset the identified shortfall. This is calculated on the basis of a price per tonne of carbon required to address any shortfall multiplied by the average building lifetime of 30 years.

10.10 Where it is not possible to meet the zero-carbon standard on site, contributions will be sought from all major developments of 11 or more residential units at a rate of £1,800 per tonne. Such contributions will be pooled and ring fenced into a carbon fund and will be used to deliver carbon reduction projects across the borough, in line with policy DMD54.

Calculation For Contributions to the Council's Carbon Fund

Carbon Fund contributions will be required at a rate of £1,800 per tonne. This is calculated using the following formula:

CO₂ emitted from the development per year in Kg X 0.35 X emissions (tonne) per year X 60 (price per tonne) X 30 (years)

Example:

A development of 70 dwellings designed to comply with Part L of the 2013 Building Regulations would generate 706,758 kWh of energy per year. This figure converts into 190,215 kg of carbon dioxide per year.

To comply with DMD51 and the London wide policy targets, the developer should undertake measures to reduce the carbon dioxide emissions by a further 35%. However, this is not possible on site, so the developer will be required to pay a contribution.

In the example given above, the cost payable will be calculated as follows:

35% of 190,215 kg = 66,575 kg of carbon dioxide (or 66.6 tonnes)

66.6 (tonnes) x 60 (price per tonne) x 30 (years) = £119,880 (total payable for 66.6 tonnes)

119,880 / 66.6 = £1,800 per tonne.

10.11 Examples of projects which monies raised under the Carbon Fund will be used for will include:

3 As set out by paragraph 2.3.58, page 91 of the GLA Housing SPG, March 2016.

4 The carbon offset price is referred to in National Energy Foundation: Review of Carbon Offsetting Approaches in London, July 2016 and 'GLA guidance on preparing energy assessments', March 2016.

10 Contributions for Climate Change, Flooding and the Environment

- retrofitting existing housing stock to be more energy efficient;
- Communal Heating and Combined Heat and Power;
- decentralised energy networks;
- upgrading existing building stock;
- upgrading energy-consuming infrastructure (e.g. providing electric vehicle charging points);
- landscape improvements where carbon benefits can be identified (e.g. tree planting)

Decentralised Energy

- 10.12** Decentralised energy generation is supported by both national policy and the London Plan as a means of meeting the requirements of the Climate Change Act to reduce carbon emissions by 80% by 2050 (compared to the 1990 levels). The Mayor of London has also set a target that 25% of heat and power used in London is to be generated through the use of localised decentralised energy systems by 2025.
- 10.13** The Council is working closely with the GLA, North London Waste Authority, central Government and other partners on the development of the Lee Valley Heat Network (LVHN). This new city-scale decentralised energy network (DEN) will capture affordable low carbon heat from waste to energy facilities and combined heat and power plants, supplying it to buildings and industry across the Lee Valley. It is intended that the Lee Valley Heat Network will initially use heat and steam from the Energy from Waste (EfW) facility at the Edmonton Eco Park, moving heat in the form of low temperature hot water through a system of pipes to where it is needed. Over time, the network will connect additional heat sources elsewhere in the Lee Valley.
- 10.14** Feasibility work ⁽⁵⁾ has confirmed that the LVHN can deliver heat to sites across the Lee Valley, including those in Enfield, and will deliver significant economic, environmental and social benefits. These include facilitating inward investment and new jobs, supplying low carbon heat to residents, businesses, industries and the public sector to reduce London's carbon footprint. The Council is setting up "Energetik" as an ethical operator in what is currently an unregulated heat market, to help protect consumers by ensuring a fair price and customer service terms.

Development For Which Contributions Will Be Sought

- 10.15** Through compliance with planning policy, all development will be required to contribute towards the development of DENs, including by connecting to networks where these exist in their vicinity, unless it can be demonstrated that this is either not feasible or is unviable. Where carbon emission reductions are unable to be delivered on site, the shortfall should be provided offsite or through an in-lieu payment which will secure delivery of carbon emission savings elsewhere. Major developments which produce heat and/or energy will be required to contribute to the supply of decentralised energy networks unless it can be demonstrated that this is not technically feasible or economically viable.
- 10.16** In determining whether a development is suitable to connect to a decentralised energy network or to include combine cooling, heat and power, the Council will consider the heat demand of the development and its proximity to a decentralised energy network as well as the feasibility and viability of connecting or including plant equipment. The Council will apply a general presumption that, where the opportunity exists to generate heat on-site or to connect to a DEN, the latter will be sought in all cases unless it can be demonstrated that a significantly greater reduction in carbon emissions can be achieved by generating heat on-site, or connection to a network will have an adverse impact on the operation of the network.
- 10.17** The Council's Decentralised Energy Network Technical Specification SPD provides more detailed information on the intended implementation of policy DMD52: Decentralised Energy Networks. The SPD was adopted in December 2015.

5 Upper Lee Valley Decentralised Energy Network Pre-Feasibility Study", July 2011 and "Upper Lee Valley Decentralised Energy Network Feasibility Study", August 2012, both prepared by Parsons Brinckerhoff for North London Strategic Alliance

10 Contributions for Climate Change, Flooding and the Environment

Flood Risk, Water Supply and Waste Water Infrastructure

- 10.18** The Core Strategy and Development Management Document both seek to ensure that all development proposals take full account of flood risk, water efficiency and wastewater management and that all developments incorporate the necessary mitigation and management measures appropriate for the location and type of development.
- 10.19** Developers are required to improve water efficiency and reduce surface water run-off through the use of Sustainable Urban Drainage Systems (SuDS) where this is appropriate. SuDS can provide opportunities to create or improve wildlife habitats, biodiversity and open space, all of which help to alleviate Urban Heat island effects and contribute to flood storage opportunities.

Development For Which Contributions Will Be Sought

- 10.20** Planning Obligations will be sought for any development where there is a risk of flooding and infrastructure is required. Where necessary, it will be expected that SuDS are provided on-site and these measures will be secured through the use of planning conditions, or through a Section 106 agreement.
- 10.21** Developers will be required to demonstrate that there is adequate water supply, waste water capacity and surface water drainage both on and off the site to serve the development, and that it would not lead to problems for new or existing users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water and/or wastewater infrastructure. Drainage on the site must maintain separation of foul and surface flows.

Justification

- 10.22** Under the Flood Risk and Water Management Act 2010, the Council is responsible for the management of local flood risk, including surface water run-off, ground water and flooding from ordinary water courses. Applications will be determined in line with Core Strategy policies 28 and 29 and Development Management Document policies DMD 59-63. Developers will be required to enter into Section 106 agreements to secure the provision of new flood management infrastructure where necessary.
- 10.23** Core Strategy Policy 20 requires that “all new developments, and where possible via a retrofitting process in existing developments, to address the causes and impacts of climate change by: minimising energy use; supplying energy efficiently; and using energy generated from renewable sources in line with London Plan and national policy.”
- 10.24** Policy DMD52 of the Development Management Document sets out the Council’s policy on decentralised energy. The Decentralised Energy Network Technical Specification SPD provides more information on how the policy should be implemented.
- 10.25** Paragraph 7 of the NPPF identifies the role which planning has in contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 10.26** Paragraph 97 of the NPPF states that “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”. Paragraph 99 requires that “Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change”
- 10.27** London Plan Policy 5.2 requires all major development proposals to meet the targets set out for carbon dioxide emissions (which are replicated above). This includes the submission of an Energy Statement to demonstrate how the targets for carbon dioxide emissions reduction are to be met. Information should be included on proposals to deliver further reductions in carbon dioxide emissions through the use of decentralised energy where feasible, such as district heating and cooling and combined heat and power.

11 Contributions for Health Facilities and Services

11 Contributions for Health Facilities and Services

Context

- 11.1** New residential development will generally lead to an increase in population which can, in turn, place increasing pressure on local health facilities. The Council is committed to improving the health and wellbeing of residents and where existing provision will not be sufficient to meet the increased demand which result from a proposal; contributions will be required proportionate to the scale and type of the development.
- 11.2** An indicative range of primary health care services and facilities that may be required includes:
- Primary Care: GP services;
 - Intermediate Care: Day places and beds
 - Acute facilities: elective, non-elective and day care beds
 - Mental Health Services
- 11.3** Contributions will be required where new facilities or premises are considered to be essential due to the increased needs arising from a development; where an existing facility is inadequate for the additional users and therefore needs to be extended; or where there is inadequate funding available from alternative sources to provide the facilities or services required as a result of the development.
- 11.4** The exact requirements to be sought through S106 will vary with each development proposal. The need for provision of new on-site health care facilities will be determined by factors such as the spare capacity, planned expansions or losses, or the ease of access and adequacy of any existing nearby facilities. Similarly, such issues will influence the level of any in-lieu payments which are required to improve health care provision in the area.

Development For Which Contributions Will Be Sought

- 11.5** Contributions will be sought from developments of 50 units or more, boroughwide.
- 11.6** To calculate the contribution payable for health facilities the NHS Healthy Urban Development Unit (HUDU) "Planning Contribution Model for London" should be used. Contributions will normally be sought for capital funding only. However, it may be appropriate to seek a revenue contribution, particularly in strategic growth areas, for a fixed term to cover the gap between the arrival of a new population and their inclusion within the Department of Health funding allocations.
See: <http://www.healthyurbandevelopment.nhs.uk/our-services/delivering-healthy-urban-development/hudu-model/>

Non-Monetary Contributions

- 11.7** Where the opportunity arises a health facility may be able to be incorporated within a new major development, and particularly where the development will contain a mixture of uses. In doing so, a developer will be able to benefit from economies of scale.

Justification

- 11.8** Developers will be required to make a contribution towards health facilities proportional to the impact of the proposed development in accordance with Core Strategy Policy 7 and the Council's Infrastructure Delivery Plan.
- 11.9** Policy 16 of the Development Management Document sets out that new community facilities, including healthcare facilities will be required borough-wide.
- 11.10** Policy 3.2 of the London Plan states that the health inequalities impacts of major planning applications should be considered through the use of Health Impact Assessments.

11 Contributions for Health Facilities and Services

- 11.11** Policy 3.17 of the London Plan supports the provision of high quality health facilities appropriate for a growing and changing population, particularly in areas of underprovision or where there are particular needs.
- 11.12** Paragraph 156 of the NPPF lists planning for health infrastructure as one of the strategic priorities for Local Planning Authorities, while Paragraph 171 requires that Local Planning Authorities work with public health leads and health organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

12 Contributions towards Public Realm, Public Art and Cultural Facilities

12 Contributions towards Public Realm, Public Art and Cultural Facilities

Context

- 12.1** The generic definition of 'public realm' refers to publicly owned streets, parks, seating, signage, trees, publicly accessible open spaces and public and civic buildings and facilities. Public Realm provision and interventions will normally be addressed as part of the design of the scheme. Where it is not possible to secure these through planning conditions, an S106 agreement may be required. The provision and maintenance of the public realm is necessary to achieve good quality environments.
- 12.2** In terms of cultural facilities, Enfield has acres of country parks, history, entertainment, arts and culture with a wide range of attractions including Millfield Arts Centre, Forty Hall & Estate, Edmonton Green Shopping Centre, Salisbury House Arts Centre, Dugdale Centre, Capel Manor College & Gardens, Myddelton House and Gardens, the Lee Valley Regional Park, the Royal Small Arms Interpretation Centre and the Chicken Shed Theatre.
- 12.3** Enfield Council may seek provision of public art where this can be appropriately provided within a development. Any provision should be accessible to the public, integrated with public open space via the use of features such as decorative lighting, textured paving or water features. Where possible local residents, artists and other groups should be involved at an early stage of the design process. The provision of art on construction hoardings is also encouraged. Although this can provide visual interest while works take place, furthermore it can also help to soften the impact of a development site on the local area and deter fly-posting.

Development For Which Contributions Will Be Sought

- 12.4** Contributions for public realm, public art or cultural facilities may be sought from development of sites with 50 or more units in relation to the local requirements generated by such development. Contributions for public realm improvements will also be sought from residential development of 11 or more units in the following areas: Meridian Water and Ponders End strategic growth areas, North Circular Area Action Plan area, Enfield Town and Edmonton Green. Contributions from non-residential proposals will be assessed on a site-by-site basis, and will take account of factors such as the location, nature and scale of a proposed development, and the extent of public accessibility to the site.
- 12.5** Where a contribution is required, the level of contribution payable will reflect the nature of the development and will be determined on a site by site basis having regard to the cost of the desired improvement. Further information is provided in the relevant Area Action Plan or masterplan for the above areas. Contributions for public realm improvements will be considered alongside requirements for 'improving the built environment and community safety through design'.

Justification

- 12.6** Core Strategy Policy 11 sets out the Council's plans for recreation, leisure, culture and the arts. Within the north east and south west of the borough there are deficiencies in art and cultural services and facilities and there is a further deficiency in sports halls and artificial pitches in the south west of the borough. New recreation, leisure and culture and arts facilities will be required in Enfield Town, Ponders End, New Southgate, and Meridian Water to support growth.
- 12.7** Policy 7.5 of the London Plan states that opportunities for the integration of high quality public art into the public realm should be considered when making planning decisions.
- 12.8** Core Strategy Policy 46 sets out the Council's intentions to seek contributions for public realm improvements and initiatives. Core Strategy Policy 30 sets out the Council's approach to maintaining and improving the quality of the built and open environment.

12 Contributions towards Public Realm, Public Art and Cultural Facilities

13 Contributions for Business, Employment and Skills

13 Contributions for Business, Employment and Skills

Context

- 13.1** The Council is committed to maximising the number and variety of jobs and apprenticeships available to residents of the borough and maintaining and encouraging the widest possible range of economic activity, including the availability of a skilled labour force. To this end, the Council will seek agreement with developers to secure appropriate planning obligations for employment and training initiatives as part of development proposals
- 13.2** For the purposes of this SPD, business and employment initiatives include:
- Local labour initiatives, including local labour in construction;
 - Employment skills training;
 - Apprenticeships;
 - Job brokerage;
 - Local supply chains;
 - Business support schemes for small and medium enterprises; and
 - Other requirements to mitigate for the loss of employment such as industrial land regeneration projects.

Development For Which Contributions Will Be Sought

- 13.3** Developments consisting of 11 or more residential units, or proposals with a floorspace greater than 1,000 square metres will be required to ensure that contractors employ local labour in construction and provide appropriate work based training/apprenticeships. (Subject to the size and scale of the proposals, other obligations may also be required). Where development results in a loss of employment, contributions will be sought as set out by paragraph 13.21.
- 13.4** Typical obligations in the S106 agreement may include some, or all of the following:
- A financial contribution towards delivering wider employment related regeneration benefits to the local area; and/or
 - Developers to provide construction and/or post-construction on-site employment and training opportunities for local people both in their own business and among their suppliers; and/or
 - Developers to work in partnership with local employment and training programmes to maximise opportunities for local people resulting from new developments.

Use of Local Labour in Construction

- 13.5** The Council expects that development proposals should seek to support local employment and provide opportunities for training and skills development. Among the benefits of using local labour are a reduction in transport and logistical costs, and a reduced risk of unnecessary or unforeseen delays. Developers will, therefore, be expected to make best efforts to employ 'local' contractors and subcontractors and local trainees during the construction of the development in pursuit of the Council's strategy of local procurement for goods and services.

Non-Monetary Contributions

- 13.6** Non-monetary contributions would be negotiated on a case by case basis between the developer and the Council in conjunction with the Council's Business and Economic Development team. Where new training facilities are required these should be incorporated within the development.
- 13.7** The Council will require that developers submit an Employment and Skills Strategy for approval by the Council, setting out details required in paragraph 13.8. Developers should notify the Council (through the Business and Economic Development team), of all vacancies for employees, self-employed,

13 Contributions for Business, Employment and Skills

sub-contractors and any other form or type of employment or service arising from construction and/or demolition of the development. Developers must have an active programme for recruitment and retention during the demolition and construction phase of development.

13.8 Other typical requirements are that:

- The Council will seek to ensure developers use all reasonable endeavours to secure 25% of the workforce as local labour during the demolition (where applicable) and construction phase.
- The 25% requirement includes staff involved in providing the necessary security, facilities management and administration. It also includes apprentices recruited in various aspects of the building trade (examples including carpentry, brick laying, plumbing and plastering).
- At least one apprentice or trainee should be employed per £1m of contract value. Where this is not feasible, financial contributions will be required at rates set out in this section.
- Other work placement or apprenticeship opportunities could be created during decoration of newly-constructed developments, fitting of appliances etc.
- Additional work placements and training opportunities could be available through back office functions, for example in business administration.

13.9 All apprenticeships must be safeguarded against the possibility that the development will finish before the apprenticeship. If the developer is likely to find themselves in this situation then it may be prudent to work with an Apprenticeship Training Agency (ATA). Apprenticeships must be safeguarded for the duration of at least 12 months in line with the level of qualification being obtained. Where possible, the developer should seek opportunities to accommodate the apprenticeship in house. If this is not possible, it is suggested that the developer works with an ATA to secure Apprenticeship completion. Failing this, please refer to paragraph 13.14.

13.10 The Council is aware that some large housebuilders and other companies will have their own apprentice recruitment processes in place. Potential conflicts may arise between the company's own approach to recruitment, the Council's policy position and the skills of those applying for vacancies who are based locally. When taking account of the aims of the policy to improve the use of local labour, the following hierarchy should be used during recruitment of apprentices:

1. Residents of the London Borough of Enfield
2. Residents of the North London Sub-Region including Barnet, Enfield, Haringey and LB Waltham Forest
3. Residents of all neighbouring boroughs (the London Boroughs of Haringey, Waltham Forest, Barnet and the districts of Epping Forest (Essex); Broxbourne, Welwyn Hatfield and Hertsmere (all Hertfordshire).

13.11 Normally, for each £1m of site value, the Council will require one apprentice or trainee to be employed for a full year. It is considered that allowing recruitment over a wider geographical area will avoid any possible conflict with alternative regulatory regimes, such as benefit claimants who may find that their nearest jobcentre is in a neighbouring Borough area. Also, those who attend courses of study at local colleges may not necessarily be Enfield residents. Apprentices may also need to move between sites in order to complete their training. Where any candidates recruited on an apprenticeship agreement need to work on more than one development project, or candidates need to transfer between sites to complete the duration of their apprenticeship and/or suitable sites are not available within Enfield, the hierarchy above should be used.

13.12 The aim of this approach is to secure work and training opportunities as locally as possible. If a trainee or apprentice needs to move site and is willing to travel further than the neighbouring boroughs to work on a project, that will be as matter for the trainee/apprentice and their placement provider to address between themselves and is not a policy issue.

13 Contributions for Business, Employment and Skills

- 13.13** Where trainees are recruited, developers will be required to submit an Employment and Skills Strategy for approval by the Council setting out: how they will engage with local contractors/subcontractors, how many trainees will be employed on site and how many weeks training will be provided per trainee, having regard to the formula set out below. The S106 agreement will require the implementation of the approved strategy and the submission of a return on completion of the development.

Monetary Contributions

- 13.14** Where it is not possible to provide apprenticeships on site, the Council will require a monetary contribution for training, employment support and local procurement to enhance the prospects of the use of local employment during the construction phase of development. Monetary contributions will be used for activity that supports the provision and delivery of: apprenticeships, skills training, employment support, job brokerage and work placements; local labour programmes, supply chain management and programmes. The overriding aim is to train local people, supporting them into sustainable employment opportunities.
- 13.15** Similarly, if it is not possible to provide training for an apprentice for a period of one full year then a contribution may be payable to the Council's JOBSnet job brokerage service in-lieu of creating apprenticeships. JOBSnet is a service provided by the Council providing a variety of services (including but not limited to assistance with CVs and job application forms, interview practice, and general training opportunities) aimed at getting people in the borough of Enfield into work. All monetary contributions will be used for, but are not limited to, activity that supports the provision and delivery of: apprenticeships, skills training, employment support, job brokerage and work placements; local labour programmes, supply chain management and programmes aimed at assisting SMEs.

Calculation for Contributions Towards Business and Employment Initiative

- 13.16** In the event that it is not possible to employ a trainee for a full year, upon completion of the development a fee will be charged for each week for which a trainee place has not been provided on site, equivalent to the London Living Wage.
- 13.17** In March 2011, the Council's Cabinet determined that, irrespective of the grade of a job as determined by the application of an analytical job evaluation process, the minimum level of pay received by any employee would be the level of the London Living Wage (LLW). The LLW is amended from time to time by the Greater London Authority. An explanation of the Council's reasons for adopting the LLW as the low pay benchmark are set out in report 207 considered by the Cabinet on 9 March 2011, which is available at www.enfield.gov.uk
- 13.18** At 1 November 2016, the LLW is £9.75 per hour or £351 per week, based on a 36 hour working week. The fee charged for each week a trainee place is not provided on-site will be £702 per week, which is calculated using 36 hours x £9.75 an hour (which is the current London Living Wage), then doubled.

Example:

Commencement of works began in December 2016 and completed in December 2017. The developer covenanted to take on one apprentice for one full calendar year (52 weeks). Training was provided for only 39 weeks instead of 52, meaning that a payment for 13 weeks' contributions would be due. The following formula would be used to calculate the outstanding payment:

36 X (hourly LLW) x 2 = 1 week's payment x 13 + Total + 5% Admin fee = Total payable to Council in lieu

At current LLW rates this is:

36 x 9.75 x 2 x 13 = 9,126 + 456.30 = £9,582.30

13 Contributions for Business, Employment and Skills

- 13.19** The LLW amount will be amended from time to time by the Greater London Authority and the most up to date figure should be used for this calculation, which can be found on the GLA website. Whenever a change to the rate is announced, the calculation will become $36 \times$ the new hourly minimum wage rate doubled plus a 5% administrative fee. In the event that the scenario above was replicated and the LLW at the time was £10 per hour, the calculation would then become $36 \times 10 \times 2 \times 13 = 9360 + 468 = 9828$.

Development Resulting in a Loss of Jobs

- 13.20** All development that results in a net loss of employment land, uses or jobs, where there is justification to approve the scheme, having regard to the development plan, will be required to enter into a S106 agreement.

Calculation For Contributions

- 13.21** Any development that results in a net loss of employment land, uses or jobs will be required to enter into a S106 agreement. If the proposal involves the loss of vacant employment premises or land (all use classes), employment densities and evidence on vacancy periods and marketing will be used to establish the potential number of jobs lost.
- 13.22** Through the payment of S106 obligations, the developer will be required to:
- Relocate the existing businesses to suitable premises in the locality; or
 - Provide the equivalent number of jobs elsewhere within the borough; or
 - Make a financial contribution towards industrial land regeneration projects, employment training schemes, job brokerage services or business support initiatives.
- 13.23** The level of contribution payable will be £4500 ⁽⁶⁾ for each job lost. This is the figure which DCLG estimate is the cost of supporting those who are at risk of becoming long-term unemployed into sustained employment via the 'Work Programme'. Loss will be calculated at the point of submission of the planning application.

Formula for calculating monetary contributions

(Number of jobs lost) X £4,500 = total payment due

- 13.24** The Work Programme figures are updated yearly, and it is proposed to link contributions required to this methodology to ensure that the fluctuating costs of providing services can be taken into account. Revisions to the figure will appear on the Council's website.

Justification

- 13.25** Core Strategy Policy 13 seeks to protect and improve Enfield's employment offer. The proposed mitigation is necessary to achieve this and Core Strategy Policy 16 - taking part in economic success and improving skills. The formula used to calculate the number of trainees that should be employed on site (and financial contributions where this is not possible) is based on the Notting Hill Housing - Construction Training Initiative (2010). The use of this formula will ensure that a standard approach is taken by private developers and registered landlords.
- 13.26** DMD policy 22 sets out the Council's policy for assessing applications that would result in a loss of employment and the requirements for appropriate mitigation.

6 Based on £4517.33 per year which is the average cost across all nine benefit claimant groups of training, preparing and placing someone into sustainable employment paid by the DWP to its suppliers. This is taken from <https://www.gov.uk/government/publications/work-programme-costs-to-31-march-2014>

14 Contributions towards Built Heritage and Conservation

14 Contributions towards Built Heritage and Conservation

Context

- 14.1** In Enfield, heritage assets include scheduled and local monuments, conservation areas, areas of archaeological importance, statutory and locally listed buildings, and nationally and locally registered historic parks and gardens. Where development may affect the significance of an asset, the Council will use Section 106 funding towards the upkeep, maintenance and repair of heritage assets, particularly those assets most at risk as identified on the Heritage at Risk Register.
- 14.2** Development affecting the significance of an asset may include, but is not limited to:
- the introduction of new structures/objects;
 - alterations
 - complete or partial demolition;
 - removal of buildings/features or parts thereof;
 - the introduction of signage or advertisements;
 - changes of use (including the use of open spaces);
 - subdivision or fragmentation;
 - changes to landscaping;
 - the removal of built or landscape features or parts thereof; or
 - any other form of development which fails to preserve and enhance the asset or its setting.
- 14.3** The setting of an asset is not limited to its curtilage and is defined as the physical and non-physical environment in which the asset is experienced, including consideration of views to and from the asset, noise, dust and vibration during construction, spatial associations and the historic relationship between places. Applications for development affecting heritage assets are encouraged to use design and construction professionals with appropriate heritage expertise.
- 14.4** The receipt of satisfactory information acquired as part of the scheme's implementation is likely to be a condition of the occupation of the development or the matter of a S106 agreement.

Development For Which Contributions Will Be Sought

- 14.5** The Council will require all development to contribute to the improvement or protection of the borough's built heritage as appropriate. Requirements for development to contribute towards heritage assets will be determined on a site by site basis for development within, adjacent or within the setting of assets such as conservation areas or listed buildings.

Calculation Of Contributions Towards Built Heritage

- 14.6** Contributions will be sought for conservation area or heritage area improvement schemes and listed buildings identified on the Heritage at Risk Register. The level of contribution will reflect the scale of the development and will be informed by site analysis and character appraisals submitted as part of the planning application. Contributions may be financial or non-financial in nature, although for heritage schemes this will normally comprise an agreement under Section 106 requiring a developer to carry out a series of restoration works as part of any proposed development.
- 14.7** Planning obligations may be used in appropriate circumstances to preserve and protect historic buildings and public spaces including but not restricted to, squares and spaces, registered parks and gardens, historic pavement materials, street furniture, removal of street clutter and installation of sympathetic lighting.

14 Contributions towards Built Heritage and Conservation

Justification

- 14.8** Core Policy 46 sets out the Council's intentions to seek contributions to protect and enhance Enfield's built heritage and its archaeology through contributions to the Council's key heritage asset schemes and listed buildings identified on the Heritage at Risk Register. Core Policy 31 sets out the Council's plans for built and landscape heritage. It also lists Enfield's heritage assets at the time of publication, and sets out the key requirement that development should preserve and enhance them. Applicants should always refer to the Council's website for the most up to date lists.
- 14.9** Policy 44 of the Council's DMD builds upon the content of Core Strategy Policy 31 by requiring a heritage statement for applications which affect heritage assets and their wider setting.
- 14.10** This strong commitment to good design is supported by the National Planning Policy Framework (2012).
- 14.11** Chapter 7 of the London Plan addresses matters of heritage and conservation. The most relevant policies include:
- Policy 7.8 "Heritage Assets and Archaeology" - requires Boroughs to seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy as part of managing London's ability to accommodate change and regeneration.
 - Policy 7.9 "Heritage-Led Regeneration" – requires Boroughs to support the principles of heritage-led regeneration in local plan policies.

15 Contributions towards Green Infrastructure, Open Space and Recreation

15 Contributions towards Green Infrastructure, Open Space and Recreation

Context

- 15.1** Green infrastructure is a network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities. This can include improvements to waterways. Open Space and recreation includes parks, playing fields, children's play space allotments, civic spaces, and natural and semi natural green space.
- 15.2** The definition excludes private and semi-private amenity space; however, the level of amenity space provided as part of the development will partially determine requirements for contributions to open space and recreation provision.
- 15.3** Core Strategy policy 34 and Development Management Document policy 71 set out policies on the protection and enhancement of open space. Policy DMD 72 addresses new open space provision. New development can increase the pressure on open spaces and green infrastructure in the Borough. It is therefore important that development makes provisions for new areas of open space and child play provision, consistent with any projected increase in demand.
- 15.4** Enhancements to the natural environment will be sought via S106 and contributions pooled, where this is relevant, to improve the Borough's green infrastructure networks, having regard to the pooling restrictions set out by the CIL Regulations 2010 (as amended).

Development For Which Contributions Will Be Sought

- 15.5** In all developments, the Council will expect developers to comply with standards for open space provision set out in the Development Management Document. Throughout the Borough, developments of 50 or more units will be required to provide open space/ children's play facilities on site or make a contribution towards improving the quality, quantity or access to existing open space or play facilities in the locality. Contributions may be sought for smaller sites on a site-by-site basis subject to the nature of the proposal. Within the Ponders End and Meridian Water Regeneration Priority Areas; North Circular Area Action Plan Area, or the Enfield Town and Edmonton Green areas, contributions will be sought from all developments comprising of 11 units or more.
- 15.6** All new development will lead to an increased use of open space and lead to varying degrees of adverse ecological impacts, depending upon the scale and location of the development. In areas within or adjacent to designated nature conservation sites as well as in areas of open space deficiency the impact will be greater. -Developers will be expected to mitigate any adverse impact on biodiversity within the development site. If this is not possible, financial contributions may be required. The Town and Country Planning Association's advice note 'Inland Waterways' outlines the value of the waterways to local economies and general health and well-being aims. Attractive waterside environments can help to deliver public benefits.

Calculation For Contributions Towards Open Space and Recreation

- 15.7** Contributions may be either financial or non-financial in nature. Where residential development is proposed and the Council's Open Space and Sports Assessment Update has identified a deficiency of available Open Space in the area, developer contributions will be required to address the issue. Financial contributions will be used and pooled, if necessary, to secure new sports facilities (both indoor and outdoor) to meet new demand arising from development. The Infrastructure Delivery Plan and Playing Pitch Strategy will help the Council determine what sports infrastructure is required for playing fields. Contributions towards waterway improvements may also be appropriate from larger development schemes.

15 Contributions towards Green Infrastructure, Open Space and Recreation

- 15.8** Contributions will be used to provide additional open space and to sustain and improve the quality and accessibility of the borough's existing open spaces including improving safety, increasing facilities and activities, and providing safe spaces for children. The level of contribution required will relate to the scale of the development and the cost of schemes to provide or improve open space/ children's play. Where the requirement to contribute is linked to the level of amenity space provided on site this will also be taken into account.
- 15.9** In cases where usable and sufficient open space and children's play can be provided within the site, developers will be required to incorporate this into the development proposal. The level is calculated by using the formula below, which is taken from the London Plan Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation'.

Formula for calculating on-site child play space contributions:

Estimated number of children in the development x 10 sq m (standard for provision per child) = Level of new provision required

- 15.10** Delivery will be secured by planning condition(s) which will ensure the provision and future management of the open space. In circumstances where it is not possible to provide new areas of public open space, children's play facilities and/or formal recreation within the development a financial contribution will be required to provide for off-site provision.

Justification

- 15.11** Core Strategy Policy 34 states that the Council will enhance existing open space and seek opportunities to improve the provision of good quality and accessible open space. The need for new open space within Meridian Water is specifically identified in the policy.
- 15.12** Core Strategy Policy 36 seeks to protect, enhance, restore and add to biodiversity interests within the borough. S106 requirements are required to achieve this and deliver the objectives set out in the Council's Biodiversity Action Plan (BAP). The Council has also adopted a ten year Parks and Open Spaces Strategy 2010-2020 that introduces management plans for all parks and open spaces. Appendix 3 of the Strategy highlights areas with identified children's play or open space deficiencies.
- 15.13** Policy 78 of Enfield's DMD sets out that mitigation will be secured through planning obligations or planning conditions where development has a direct or indirect negative impact upon important ecological assets. Major development sites in areas of deficiency must maximise opportunities to improve access to nature.
- 15.14** The primary London Plan policy relating to open space provision is Policy 2.18 – Green Infrastructure: The Network of Open and Green Spaces. In conjunction with identifying the strategic importance of open and green spaces, this policy outlines a number of criteria specific to planning decisions, namely that:
- enhancements to London's green infrastructure should be sought from development, and
 - development proposals should incorporate elements of green infrastructure that are integrated into the wider network including linking with the Blue Ribbon Network and the wider public realm
- 15.15** Other policies within the London Plan, such as policy 5.10, highlight the role of green spaces in combating climate change, and policy 7.19 highlights the role in protecting ecology and contributing to biodiversity. Policy 3.6 more specifically identifies the importance of safe access to good quality, well-designed, secure and stimulating play and informal recreation provision, incorporating trees and greenery wherever possible.

15 Contributions towards Green Infrastructure, Open Space and Recreation

- 15.16** Paragraph 73 of the NPPF states that planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Assessments should identify specific needs as well as any deficits or surpluses of open space, sports and recreational facilities in the local area.
- 15.17** Paragraph 74 of the NPPF confirms that existing open space, sports and recreational buildings and land should not be built on unless they are shown to be surplus to requirements, or any loss will be replaced by better provision in terms of quantity and quality, or if the development is for alternative sports and recreational provision.
- 15.18** Paragraph 109 of the NPPF requires the planning system to contribute to, and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

15 Contributions towards Green Infrastructure, Open Space and Recreation

16 Contributions towards Biodiversity

16 Contributions towards Biodiversity

Context

- 16.1** Biodiversity is the variety of life and its processes; including the variety of living organisms, the genetic differences amongst them, and the communities and ecosystems in which they occur. Enfield boasts a wealth of biodiversity, having important populations of nationally and internationally scarce plant and animal species. It also has a number of important habitats including important grassland habitats and more than three hundred hectares of woodland. There are twenty five sites of importance for nature conservation (SINCs) and the King George's and William Girling Reservoir are designated as a Site of Special Scientific Interest for their nationally important populations of wildfowl and wetland birds.
- 16.2** All new development will lead to an increased use of open space and lead to varying degrees of adverse ecological impacts, depending upon the scale and location of the development. In areas within or adjacent to designated nature conservation sites, as well as in areas of open space deficiency the impact will be greater.

Development For Which Contributions Will Be Sought

- 16.3** Developers will be expected to mitigate any adverse impact on biodiversity within or adjoining a proposed development site. In circumstances where a developer is unable to preserve a habitat on the development site and the development is considered acceptable in all other respects, the Council will consider a monetary contribution equivalent to the cost of re-providing the habitat on an alternative site in the locality. Contributions may also be sought from any development adjacent to a watercourse to seek enhancements to the river bank which will improve biodiversity. Enhancements could include initiatives such as the creation of buffer zones, removal of invasive species, planting of native species and river restoration projects.

Calculation For Contributions For Biodiversity

- 16.4** Where the developer does not provide the necessary mitigation onsite, a financial contribution may be necessary. Any contributions payable will be linked to the cost of mitigation and will be negotiated on a site by site basis, having regard to the Council's Biodiversity Action Plan (BAP).

Justification

- 16.5** Core Strategy Policy 36 seeks to protect, enhance, restore and add to biodiversity interests within the borough. S106 requirements are required to achieve this and deliver the objectives set out in the Council's Biodiversity Action Plan (BAP). Policy 78 of the Council's DMD states that 'Development that has a direct or indirect negative impact upon important ecological assets will only be permitted where the harm cannot reasonably be avoided and it has been demonstrated that appropriate mitigation can address the harm caused'.
- 16.6** In the London Plan, policy 7.19 highlights the role in protecting ecology and contributing to biodiversity while one of the principles of NPPF paragraph 109 is to minimise the impacts of development on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

16 Contributions towards Biodiversity

17 Contributions for Policing Facilities, Fire and Emergency Services, and Town Centre Management

17 Contributions for Policing Facilities, Fire and Emergency Services, and Town Centre Management

Context

- 17.1** The different roles which town centres play in the overall lives of residents, as places both of work and of leisure, can increase the pressure on existing facilities and infrastructure. The ongoing management of town centres are crucial to their long term improvement, vibrancy and vitality as key areas within the Borough. Given the costs of undertaking the numerous task associated with managing town centres, including the evening economy activities, it is reasonable to expect new town centre uses and new late night uses to contribute to these costs.
- 17.2** Activities associated with town centre management are generally operational, but in some instances may include minor infrastructure works such as the installation of lighting, CCTV etc. Any necessary infrastructure works associated with the public realm / highways will be subject to planning contributions.
- 17.3** Section 17 of the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006, requires responsible authorities to consider crime and disorder (including antisocial behaviour and other behaviour adversely affecting the local environment); and the misuse of drugs, alcohol and other substances in the exercise of all their duties, activities and decision-making. This means that in all policies, strategies and service delivery there is a need to consider the likely impact on crime and disorder.

Development For Which Contributions will be Sought

- 17.4** Policing facilities include any measure to prevent and enforce crime and disorder. Contributions may be sought for new services and facilities for the Police (neighbourhood police bases/police stations, front counters, office accommodation, patrol bases and custody centres), CCTV, lighting, alley gating and to fund Local Authority monitoring of licensed premises for a fixed term.
- 17.5** The Council will seek planning contributions to mitigate the negative impacts of proposals within town centres where necessary. Typically, contributions will be sought where development proposes a new food, drink, night club or late night entertainment and leisure use, which will be open to the public after 2300 hours. Contributions may also be sought where existing premises are seeking to extend their opening hours. Contributions may also be sought from residential developments of 11 or more units within the Meridian Water and Ponders End Regeneration Priority Areas.
- 17.6** Dependent on the size and scale of a proposal, planning contributions may be used for:
- Town Centre Management Initiatives
 - Community Safety Initiatives
 - CCTV Installation and Monitoring
 - Community Safety Wardens
 - Signage and lighting
 - Policing facilities and support for other emergency services
- 17.7** Fire and emergency services include fire stations and fire safety centres, and funding to support emergency planning and ambulance stations. The Council's Infrastructure Delivery Plan indicates that the existing fire stations are well located to service proposed growth. This situation will be monitored and, if new development leads to the need for facilities or service requirements in the future, developer contributions may be required for residential development of 50 units or more. Contributions will also be sought for major non-residential development.
- 17.8** The Council may seek the provision of CCTV camera(s) on site where there is an identified need. If circumstances are such that the Council does not feel that a camera is appropriate, for example in locations where CCTV coverage already exists or on developments which are too small to provide a camera, a financial contribution may be sought that will be pooled towards CCTV provision in the vicinity

17 Contributions for Policing Facilities, Fire and Emergency Services, and Town Centre Management

of the development. Where new CCTV systems are to be installed, these should meet the BS62676 certification standards (or any successor standard), and conform to the Surveillance Camera Code of Practice and any other required standards.

Justification

- 17.9** Section 17 of the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006, requires responsible authorities to consider crime and disorder (including antisocial behaviour and other behaviour adversely affecting the local environment); and the misuse of drugs, alcohol and other substances in the exercise of all their duties, activities and decision-making. This means that in all policies, strategies and service delivery there is a need to consider the likely impact on crime and disorder.
- 17.10** Policy 17 of the Core Strategy and Policy 34 of the DMD support proposals for night time economy uses in town centres provided measures are in place to address issues such as community safety, policing, litter and the potential impact of noise and disturbance to local people. Developer contributions will be necessary to help in addressing these issues.

18 Contributions for Libraries and other Community Facilities

18 Contributions for Libraries and other Community Facilities

Context

- 18.1** Community facilities include libraries, museums, archives, arts, heritage assets, sports facilities and services, youth clubs, and community halls/ centres, including the provision of multi-purpose facilities. To aid in the creation of sustainable places it is vital to ensure that new communities have access to such facilities.
- 18.2** New development will place pressure on the Borough's library network, which may need to be funded through s106. Any monetary contribution towards library facilities will be negotiated on a case by case basis using the standard charges recommended by the Arts Council England and Museums, Libraries and Archives of £105 per person in new housing towards libraries and £22 for archives provision.

Development For Which Contributions will be Sought

- 18.4** Contributions may be sought from development of 11 or more units within the following areas: Meridian Water and Ponders End Regeneration Priority Areas, North Circular Area Action Plan area, Enfield Town and Edmonton. Elsewhere in the borough contributions may be required from sites of 50 units and above, particularly in the north east and south west of the borough. Any proposal to provide a library on-site will be in lieu of a monetary contribution. Where the opportunity arises, a new library may be able to be incorporated within a new major development, particularly in locations where the development will contain a mixture of uses. The location of a library in a building containing other uses will additionally enable a developer to benefit from economies of scale.
- 18.5** Where financial contributions are required, standard charges should be multiplied by the total population yield for each residential unit as follows:

Monetary contribution for library facilities

(Total yield per unit) X 127 (Combined standard charge per person for library and archives provision) = Total monetary contribution payable

- 18.6** The yield per unit is calculated using the GLA's population yield calculator. Where existing facilities are located in proximity to the development and are shown to be in need of enhancement, any financial contributions will be used for refurbishment and modernisation of community premises, including their extension if required.

Justification

- 18.7** Core Strategy Policy 11 sets out the Council's plans for recreation, leisure, culture and the arts. Within the north east and south west of the borough there are deficiencies in art and cultural services and facilities and there is a further deficiency in sports halls and artificial pitches in the south west of the borough.

18 Contributions for Libraries and other Community Facilities

19 Appendix 1

19 Appendix 1

- 19.1** The 2008 Planning Act and CIL Regulations 2010 (as amended) have changed the use of Planning Obligations by:
- a. **Placing into Law the policy tests on the use of Planning Obligations set out in Paragraph 204 of the National Planning Policy Framework (NPPF):** Regulation 122 of the CIL Regulations now makes it unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation is not:
 - **Necessary** to make a development acceptable in planning terms
 - **Directly** related to the development
 - **Fairly and reasonably related** in scale and kind to the development
 - b. **Ensuring the local use of CIL and Planning Obligations does not overlap:** Under Regulation 123(2), following the adoption of CIL the Regulations restrict local use of Planning Obligations in order to ensure that individual development(s) are not charged for the same items under CIL and then again under the planning obligations regime. Where a charging authority (in this case Enfield Council) has set out that an item of infrastructure will be funded through CIL, then a planning authority may not constitute funding or provision of relevant infrastructure via a planning obligation as a reason for granting planning permission. Furthermore, a charging authority is required to publish on its website a list of infrastructure projects or types of infrastructure (Regulation 123 Infrastructure List) that it intends will be funded either in part or whole by CIL. As a consequence of this, the Charging Authority is prohibited from seeking a planning obligation contribution towards the same item of infrastructure.
 - c. **Limiting pooled contributions from Planning Obligations towards infrastructure which may be funded by CIL:** CIL Regulation 123 (as amended) has the effect that, from 6 April 2015, local planning authorities can only pool up to five individual planning obligation contributions towards infrastructure which is capable of being funded by CIL. Pooled contributions may be sought from up to five separate Planning Obligations for an item of infrastructure that is not locally intended to be funded by CIL. The limit of five applies as well to types of general infrastructure contributions, such as education and transport. Contributions cannot be pooled from more than 5 separate developments for the delivery of infrastructure as it is intended that CIL should be used for this purpose.
- 19.2** The policy tests are also set out in the National Planning Policy Framework:
- Paragraph 203: 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.
 - Paragraph 204: Planning obligations should 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."

19 Appendix 1



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