

Enfield Council

**Revised Section 106 Supplementary Planning
Document Planning Document**

EQUALITIES IMPACT ASSESSMENT

November 2016



Enfield Council Predictive Equality Impact Assessment/Analysis

NB if there is likely to be an impact on different groups of staff as a result of this proposal, please also complete a restructuring predictive EQIA form

Department:	Regeneration and Environment	Service:	Strategic Planning and Design
Title of decision:	Equalities Impact Assessment for the S106 Supplementary Planning Document	Date completed:	October 2016
Author:	Robert Davy, Principal Planning Officer - S106	Contact details:	Robert.davy@enfield.gov.uk 020 8379 2263

1	Type of change being proposed: (please tick)						
Service delivery change/ new service/cut in service		Policy change or new policy	<input checked="" type="checkbox"/>	Grants and commissioning		Budget change	

2 Describe the change, why it is needed, what is the objective of the change and what is the possible impact of the change:

The Council prepared a revised draft Section 106 Supplementary Planning Document (SPD) for public consultation earlier in January 2016. Work has now progressed on this document and this Equalities Impact Assessment (EqIA) accompanies the adoption of the new SPD.

Planning obligations are used as part of the application process to address specific issues and impacts arising from a development proposal, i.e. to make development 'acceptable' which would otherwise be unacceptable in planning terms. Obligations are secured between the developer of a scheme and the Council via legally-binding agreements which are secured under Section 106 of the Town and Country Planning Act 1990. The SPD details the approach which the Council will take towards securing planning contributions from all qualifying development.

A new SPD has been produced in order for the Council's Local Plan to fully reflect the various changes to the planning system and planning obligations process since the previous Section 106 SPD was adopted in November 2011. These include the introduction of the National Planning Policy Framework (NPPF) in 2012 and National Planning Practice Guidance (NPPG) in 2014; a new London Plan in July 2015, and adoption of the Council's Development Management Document in November 2014.

Critically, the new SPD also fully acknowledges the relationship between planning obligations and the Community Infrastructure Levy (CIL) charging regime. The Council's CIL schedule came into force on 1 April 2016 and should be read in conjunction with the new SPD. CIL will replace S106 when funding infrastructure identified on the Regulation 123 list; in all other instances Section 106 will continue to apply (albeit subject to restrictions on pooling). CIL is not intended to replace mainstream service funding or meet in full the cost of delivering necessary infrastructure, but is intended to

help reduce the potential infrastructure funding gap. Once set, all CIL charges are non-negotiable (unlike S106). The equalities implications of the Council's CIL have been assessed under a separate EqIA.

The main changes between the current adopted 2011 version of the S106 SPD and the new SPD are as follows:

- A new section has been added on the enforcing of obligations with penalties for non-compliance added.
- Taking account of the adoption of the Enfield borough CIL, and the pooling restrictions enacted by the CIL Regulations 2010 (as amended)
- Changes to costs for primary and secondary education contributions for education.
- An update to the section on employment and business initiatives for employing apprentices, trainees and local labour in construction.
- A new formula calculating contributions for libraries has been added.
- Updates have been made throughout the document to reflect progress made on other Local Plan documents. References have been added to how S106 can fund infrastructure as detailed in the Infrastructure Delivery Plan (2014), North Circular Area Action Plan (adopted October 2014), North East Enfield Area Action Plan, and in the Central Leaside Area Action Plan (for Meridian Water).
- Reflecting new Government policy which exempts small scale developments of 10, or fewer, units from paying Section 106 contributions where the maximum combined floorspace of the site is 1000 square metres.

The SPD details the type of Planning Contributions that may be required, the 'qualifying development' thresholds and formulas to aid developers in working out the level of any monetary contribution payable (where this is due). Planning obligations are intended to have a positive impact on the built environment, the local economy and people's quality of life across the borough by improving a range of community infrastructure and enabling the delivery of new residential and employment development and other facilities. The contents of the SPD are a material consideration during the determination of planning applications. An SPD does not make or set new policy, but provides further detail and explanation of the policies set out within the Council's adopted Core Strategy and Development Management Document as to the procedure for agreeing planning obligations, and where and how they will be sought.

Everyone who lives in, works or visits Enfield will be directly or indirectly affected by the SPD. Planning obligations will be applied to new development which will be then used to help fund the infrastructure and the services required to support planned growth and sustainable development in the Borough.

A Supplementary Planning Document does not seek to provide services for any specific group within the protected characteristics, nor does it promote the interest(s) of any individual group over an alternative group. Therefore it is reasonable to conclude that the SPD will not discriminate against any of the protected characteristics either at group or individual level.

It is likely that adoption of the SPD will have a positive impact on people of all ages irrespective of their race, disability, religion or belief, sex or sexual orientation, and whether or not they are pregnant, transgender, married or in a civil partnership. This is simply because the planning obligations process can provide a useful and additional source of funding to help pay for community infrastructure (such as schools, green spaces, roads, transport facilities, flood defences and healthcare facilities) which are used by everyone.

Irrespective of their status within the protected characteristics, the SPD is likely to indirectly benefit disadvantaged and vulnerable individuals who particularly rely on certain types of community infrastructure. The SPD may also indirectly benefit members of the protected groups at an individual

level. For example, irrespective of race, sexual orientation, religion, gender or other factor, people who have a low income as a result of unemployment or underemployment may find new opportunities arising as a result of the employment or training opportunities which will become available in the Borough; similarly, members of households on the Enfield Housing Register may find their chances of a suitable home increase via the building of more affordable housing, which is secured under Section 106 Agreements.

The SPD will help to secure additional units of Affordable Housing which will, in turn have the greatest impacts on all individuals and households who are either: a) currently living in social housing and are seeking to move into another social home, or b) are on the housing register and awaiting a suitable home, or c) who aspire to join the Enfield Housing Register.

Attention must be drawn to the Government's Written Ministerial Statement of November 2014 (which sets out a new planning policy to exempt small scale developments of 1-10 units from paying Section 106 contributions, where the maximum combined floorspace of the site is 1000 square metres). Following a legal challenge during 2015 which resulted in the withdrawal of the Statement, this policy, together the Vacant Building Credit (VBC) were re-introduced by the Government after their victory at the Court of Appeal in May 2016. The VBC enables a developer to receive a financial credit (which is equivalent to the existing gross floor space of any relevant vacant buildings on-site when the local planning authority calculates an affordable housing contribution) will further reduce Affordable Housing receipts. The Council notes that this new Government policy will reduce the circumstances in which affordable housing and other tariff-based contributions (such as those for Education) can be required under Section 106. This is likely to impact on the receipts for affordable housing construction in the future.

Irrespective of any protected characteristics, should the Government's new policy contribute to a fall in the number of affordable housing completions in Enfield, the greatest impacts will be felt by: a) individuals and households who are currently in the social housing system and b) those who aspire to join the Council's housing register in future.

The SPD will be of greatest relevance to the following stakeholders:

- Developers (and their clients), landowners and those acting on their behalf (e.g. architects and planning agents) and members of the public who will be submitting or commenting on a planning application for a site in Enfield;
- Current and future residents who will benefit from the new provision of, and improvements to, infrastructure and other facilities which are either funded by developer contributions, or provided directly by developers as a result of successful Section 106 negotiations.

The SPD has been through extensive internal consultation with a range of Council departments, including Development Management, Legal, Libraries, Education, Highways and Housing prior to the public consultation during January and February 2016. All consultees who are registered on the Council's database, including residents, developers, councillors, business, and other stakeholders had the opportunity to comment on the draft document. The final version of the SPD takes account of responses received.

During the formal consultation period, hard copies of documents were available for inspection at libraries across the Borough. The documents were available on-line, giving any organisation or person with access to the internet (irrespective of their protected characteristic status) the ability to review the document contents and submit comments to the Council via email.

As the internet can be accessed 24 hours a day, this helped to ensure that people with different work routines or those who may not traditionally like to get involved could comment on the proposals. Those without internet access could view hard copies of the documents at libraries throughout the borough, and at Enfield Civic Centre.

If Yes answered above – please describe the impact of the change (including any positive impact on equalities) and what the service will be doing to reduce the negative impact it will have.

It is likely that the SPD will benefit the protected groups due to the additional funding which will be raised through planning obligations for provision of new infrastructure. While the general planning and day-to-day processes of Section 106 administration (collecting money or requiring obligations to be delivered on-site) are unlikely to impact on the groups identified, the benefits of collecting the contributions are likely to be conveyed at the point that money is spent on specific projects.

At an individual level, and, irrespective of their status within the protected characteristics, the SPD is likely to indirectly benefit any disadvantaged or vulnerable individuals who particularly rely on certain types of community infrastructure.

Irrespective of their race, sexual orientation, religion, gender, age or other factor, anyone with a low income as a result of unemployment or underemployment may find new opportunities arising as a result of the employment or training opportunities which will become available in the Borough secured via Section 106 Agreements aligned to development proposals. Similarly, some members of households on the Enfield Housing Register (or those who are looking to join the Register) may find that their chances of securing a suitable social housing tenancy increase via the construction of affordable housing (which would be secured under Section 106 Agreements). Again, this would occur irrespective of protected characteristic status.

It will, of course, be more challenging for any residents of the Borough who do not speak English fluently to understand the contents of the published documents. However, upon request the documents can be professionally translated from English to other languages. Community involvement in key processes helps to maintain cohesion.

*If you have ticked yes to discrimination, please state how this is justifiable under legislation.

5. Tackling Socio-economic inequality Indicate Yes, No or Not Known for each group	Communities living in deprived wards/areas	People not in employment, education or training (NEET)	People with low academic qualifications	People living in social housing	Lone parents	People on low incomes	People in poor health	Any other socio-economic factor Please state;
Will the proposal specifically impact on communities disadvantaged through the following socio-economic factors?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between different groups in the community?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Could this proposal affect access to your service by different groups in the community?	Not known							
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If Yes answered above – please describe the impact (including any positive impact on social economic inequality) and any mitigation if applicable.

The SPD does not promote the needs of one group over another. It clarifies the circumstances in which planning obligations will be sought by the Council as a result of development proposals. Anybody can submit a planning application to the Council should they wish to do so.

As planning permissions are valid for three years, it can sometimes take several years for any monies agreed via the Section 106 process to be received, allocated and spent. Therefore, although any direct impacts on poverty and deprivation may not be immediately apparent, it is likely that a few years after implementation the SPD will have helped secure financial contributions and new community facilities for the purpose of helping the most deprived residents.

The SPD sets out that apprenticeship positions will be sought on new development sites. It is considered that this will help to directly benefit those who are not in education, employment or training to gain skills and work experience. The SPD also states that education contributions will be sought from new residential development to provide school places, while contributions can also be sought for healthcare facilities where required. These proposals may benefit those who identify themselves as being in poor health.

The level of support required by communities living in deprived wards or areas, and also those who live in social housing will, to some extent, depend on individual circumstances. Similarly, the extent a person may directly benefit from the SPD at an individual level would be affected by their own personal circumstances. For example, it will be more challenging for any residents of the Borough who do not speak English fluently to directly benefit from the SPD or the work and training opportunities it will help to deliver, irrespective of the tenure of their home.

Where people are able to identify with more than one category, they may find that the SPD could benefit them in multiple ways. For example, a person living in social housing, who is also a lone parent and does not speak English to a high level may benefit from the approaches taken in the SPD to seek contributions for new school places, to deliver affordable childcare, and from new community halls where informal language lessons may take place. People who are classified as not in education, employment or training (NEET), or those with low academic qualifications may benefit from work or training opportunities delivered via the SPD. As in the scenario above, where new community halls are constructed such people may also then be able to gain new skills and qualifications from undertaking a course of study which may be hosted by the facility.

Affordable Housing delivery will have the greatest impacts for individuals and households who are either living in social housing and are seeking to move into another social home, those who are on the housing register and awaiting a suitable home, or who aspire to join the Enfield Housing Register. This is irrespective of the protected characteristic status.

6. Review

How and when will you monitor and review the effects of this proposal?

The effectiveness of the SPD will be monitored through the Local Plan Monitoring Process. The Council publishes Authority Monitoring Reports (as required under Section 113 of the Localism Act, 2011) on a yearly basis. The Council also employs specialist officers to monitor compliance with Planning Obligations which are secured through Section 106 Agreements.

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Action plan template for proposed changes to service, policy or budget

Title of decision: Section 106 Supplementary Planning Document

Team: Strategic Planning and Design

Department: Regeneration and Environment

Service manager: Tony Pierce

Identified Issue	Action Required	Lead Officer	Timescale/ By When	Costs	Review Date/ Comments
The SPD was subject to a six week consultation beginning in January 2016. Final version now takes account of comments received during consultation and other changes.	The EqIA was reviewed and updated during preparation of the SPD to respond to issues raised during consultation on the SPD.	Isha Ahmed/Robert Davy	Consultation draft SPD presented to committee 14 December in advance of public consultation following the Xmas and New Year period. Consultation took place Jan-Feb 2016. Subsequent adoption late summer/early autumn 2016.	Local Plan Budget	The EqIA has taken account of changes to the SPD.
It will be important to review the impact of the SPD on equalities issues once it is adopted.	Consider and review the impact of the SPD once it has been adopted.	Isha Ahmed/Robert Davy	From the date of adoption of the new SPD onwards. Prior to date of adoption the current SPD (adopted in 2011) will be used for decision making.		The Council will continue to monitor the impacts of the SPD in accordance with its policies on fairness and equalities.

Please insert additional rows if needed

Date to be Reviewed:

APPROVAL BY THE RELEVANT DIRECTOR - NAME Ian Davis

SIGNATURE.....

This form should be emailed to joanne.stacey@enfield.gov.uk and be appended to any decision report that follows.

This document has been produced by Enfield Council
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