

Enfield Council

**Revised Section 106 Supplementary
Planning Document**

CONSULTATION STATEMENT

November 2016



1. Introduction

- 1.1 The revised Section 106 SPD sets out Enfield's proposed approach to seeking planning obligations under Section 106 of the Town and Country Planning Act 1990. This will ensure that the development industry and others have a clear view on the likely extent of Section 106 planning obligations, which they will have to meet to ensure that any proposed development is acceptable in planning terms.
- 1.2 The S106 SPD is a borough-wide document and will apply to all planning applications including residential, commercial and mixed use development which require a S106 agreement. Once adopted the SPD will supplement and form part of Enfield's Local Plan, which includes the adopted Core Strategy (2010) and Development Management Document (2014), and which, alongside the London Plan and national policy, will inform new development in the borough. It will also supersede the S106 SPD adopted in November 2011. On 1st April 2016, Enfield's Community Infrastructure Levy (CIL) was adopted. From this date forward, Section 106 will run in conjunction with the CIL.

Purpose of this Report

- 1.3 This Consultation Statement has been prepared in line with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012, which states that, before a council adopts a Supplementary Planning Document (SPD), it must produce a statement setting out:
 - The persons the local planning authority consulted when preparing the supplementary planning document;
 - A summary of the main issues raised by those persons; and
 - How those issues have been addressed in the supplementary planning document.
- 1.4 The Council's Statement of Community Involvement (SCI, adopted November 2015) sets out how the Council will involve the community in its plan and policy-making process. This Consultation Statement demonstrates how the Council has complied with the consultation requirements set out in the SCI in producing the SPD. The SCI is available to view on the Council's website www.enfield.gov.uk.
- 1.5 This Consultation Statement provides a summary of the consultation undertaken in producing the SPD. The revised S106 SPD has been prepared in light of the consultation responses received following two rounds of consultation on the Draft Revised Section 106 SPD (March 2015) and Revised Draft Section 106 SPD (January 2016).

How was the SPD developed?

- 1.6 The Council adopted its first Section 106 SPD in 2011. However, due to a range of planning policy changes at the national level, the Council's approach to using planning obligations would require revision.
- 1.7 The revised SPD acknowledged the introduction of the Mayor of London's Community Infrastructure Levy (CIL) charge from 2012 onwards (to part-fund Crossrail), in tandem with work on Area Action Plans, the adoption of the Development Management Plan in 2014 and the preparation and subsequent adoption of an Enfield CIL in April 2016.

Draft Revised Section 106 SPD Consultation (March 2015)

1.8 Public consultation took place over a six week period from 12 March to 23 April 2015. All those on the Council's Local Plan database were consulted, which included almost 2,000 consultees drawn from the following:

- Statutory consultees
- The local business community
- Community support groups
- Disability groups
- Education organisations
- Environmental groups
- Ethnic groups
- Health organisations
- Heritage protection groups
- Housing developers
- Local residents and interested parties
- Infrastructure providers
- Leisure groups
- Planning Interest groups
- Political groups
- Registered Housing Providers
- Religious groups
- Residents Associations
- Transport organisations
- Young people

1.9 In addition, approximately 1500 developers, agents and landowners who are known to the Council were also notified. Consultees were informed of the consultation by letter or email, while the draft SPD was published on the Council's website and paper copies were made available for viewing in all public libraries and at the Council's Civic Centre. A notice was also placed in the Enfield Advertiser. Copies of the public notice and consultation letter can be found in Appendix 1. Presentations were also given to promote the consultation at the Housing Strategic Partnership meeting of 5 March 2015, and the North London Chamber of Commerce Construction Sector Forum on 25 March 2015.

1.10 Copies of the SPD and associated documentation were available for inspection on the Council's website www.enfield.gov.uk, at all libraries across the Borough and at Enfield Civic Centre. A total of 9 responses were received from the following organisations:

- Thames Water
- Marine Management Organisation
- Office of Rail Regulation
- Lee Valley Regional Park Authority
- Transport for London (TfL) Planning
- Highways England
- Burnett Planning
- Natural England
- Countryside Properties

Consultation responses and issues raised to the Draft Revised Section 106 SPD Consultation (March 2015)

1.11 A summary of the main issues raised by the representations appears below together with actions taken. The full statement of representations¹ is available on the Council's website.

Table 1: Table of comments received to the Draft Revised Section 106 SPD (March 2015) and the Council's response

Respondent	Summary of response	Council comment	Action taken
Thames Water (Savills)	Want new section adding on water supply and sewerage infrastructure – provision of water supply and waste water infrastructure is essential to any development.	The Council agree with the comment.	Section 10.15 to 10.19 was revised and a new paragraph 10.18 was added
Lee Valley Regional Park Authority (LVRPA)	<p>Wanted reference making to LVRPA as a potential recipient of planning obligations, particularly so where sites are very close to the LBE boundary with LVRPA.</p> <p>In Section 4, Industrial floorspace is excluded from any requirement for contributions under Section 106. This would deprive LVRPA of the potential for contributions given that large areas of the Brimsdown industrial estate lie adjacent to the Park and one area actually lies within the statutory boundary.</p>	<p>The Council cannot give preference for receipt of funds to individual organisations via the S106 SPD.</p> <p>The Council disagree with the second bullet point. The schedule makes provision for industrial floorspace contributions</p>	No change made to SPD. Where development may impact on a neighbouring borough, such occurrences will be considered on a site by site basis. No action needed for the second bullet point. The schedule in Chapter 4 makes provision for industrial floorspace contributions.
Transport for London (TfL)	<p>Add reference that TfL is the highway authority for the A10 and A406, and that TfL and GLA have a pre-application advice service available for applications that are referred to the Mayor.</p> <p>The table at para 8.14 should provide further detail on public transport measures.</p>	Agree with the need for reference to the A10 and A406. Add signposts to the updated TfL Transport Assessment Best Practice Guide and the TfL Travel Planning Guidance and construction and logistics guidance for	<p>Text added to paras 2.18 and 8.11 which indicate that TfL is the highway authority for the A10 and A406.</p> <p>Text added to paras 4.7 and 8.16 which signpost</p>

¹ See: <https://new.enfield.gov.uk/services/planning/planning-policy/supplementary-planning-documents/planning-policy-information-schedule-of-reps-060116.pdf>

	<p>Provide a link to the latest TfL Transport Assessment Best Practice Guide and the TfL Travel Planning Guidance</p> <p>Provide a link to the TfL construction and logistics guidance for developers</p> <p>Caution of tension between S106 and CIL via the current Reg 123 list.</p> <p>There will need to be a careful consideration of how any pooling strategy will be drafted to satisfy the limits on pooled contributions and how any s.106 contributions will work in conjunction with CIL monies received by the borough.</p>	<p>developers</p> <p>Reference will be added to 'public transport infrastructure' in the table at para 8.14</p> <p>Comments regarding a potential tension between S106 and CIL via the Reg 123 list have been noted.</p>	<p>that the latest TfL Guidance is available from the TfL website.</p> <p>Reference added to public transport infrastructure in the table at para 8.14</p>
Burnett Planning	<p>Text at Paragraph 4.1 should be revised to state "may be sought" and should refer to "subject to meeting the tests under Regulation 122".</p> <p>The Reg 122 tests should be spelt out in the body of the Draft Revised SPD rather than being relegated to an Appendix.</p> <p>Table 1 in the draft revised SPD includes additional reference to retail and leisure developments "up to 1000sqm". No explanation or justification has been provided in the draft SPD for the inclusion of this smaller threshold and it should be deleted. if the lower "up to 1,000sqm" threshold is to be retained in Table 1 there are some significant inconsistencies in the Table that need to be corrected.</p> <p>Paragraph 4.2 correctly states that each planning application will be considered on its merits. It also states that it is not possible to detail every possible type of</p>	<p>Agree with comment. Paragraph 4.1 revised in part as suggested</p> <p>Table threshold inconsistencies have been noted and corrected</p> <p>Suggest that the comment about 4.2 may have been taken slightly out of context. Where an S106 is required, this would always be discussed with the developer during pre-application discussions on a case-by-case basis. The developer would be aware of why the obligation(s) are required. Mention is made of the Reg 122 tests in the document.</p>	<p>Paragraph 4.1 revised to read as follows: "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"</p>

	development or circumstance in which a planning obligation may be required. With regards to Regulation 122, the requirement or otherwise for a S106 agreement should be determined on a site by site basis in every case.		
Office of Rail Regulation	Thanks for your e-mail of 4.3.15 in regard to the Enfield Revised Draft Section 106 Supplementary Planning Document. We have reviewed your proposals & note that the Supplementary Planning Document does not affect the current or (future) operation of the mainline network in Great Britain. Nor does it raise any strategic transport matters that require the Office Of Rail Regulation (ORR) consideration.	N/A	N/A
Marine Management Organisation	Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments to submit in relation to this consultation.	N/A	N/A
Natural England	Natural England has no specific comments to make on the draft documents. General comment provided regarding the role of Paragraph 114 of the NPPF in helping LPAs in ..."planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure." Natural England consider that Community Infrastructure Levy (CIL) will play an important role in delivering such a strategic approach.	N/A	N/A
Highways England	Highways England has no comments in relation to this consultation.	N/A	N/A

Countryside Properties	The Council must explain how the S106 approach would continue to operate given the pooling restrictions now in place. Current approach of SPD appears at odds with the NPPG approach.	The Revised Draft version of the s106 SPD clarifies the relationship between S106 and CIL.	It is considered that Sections 2 and 4 of the SPD provide a detailed explanation of the relationship between CIL and S106.
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National Planning Policy Changes Which Required Further Consultation On the S106 SPD

- 1.12 In January 2015, Reading Council and West Berkshire Council (West Berks case) announced they would issue legal proceedings against DCLG in the High Court following the publication of a Written Ministerial Statement (WMS) and update to the National Planning Practice Guidance in November 2014 (which introduced the Vacant Building Credit and set out the proposals to exclude schemes of 10 units or less than 1,000 square metres from affordable housing contributions and other tariff style contributions). There were a number of grounds of challenge, but key issues in the case were whether the policy was unlawful on grounds of inconsistency with the statutory scheme for local plans. Much of the argument related to the interaction between the Secretary of State's (SoS) policy for exempting small sites from affordable housing contributions and the statutory code for the adoption of local planning policies and the determination of planning applications.
- 1.13 At the time of the SPD consultation in March 2015, the Vacant Building Credit and exemption from planning obligations for affordable housing and other tariff-based contributions on smaller sites of 10 units or less were in force. During the consultation period (on 26 March) the Government issued a further round of updates to the NPPG which clarified that the approach taken by the SPD was not in conformity with national policy in force at that time.
- 1.14 On 31 July 2015, the High Court announced its decision on the challenge by Reading and West Berkshire Councils to the WMS. The High Court found in favour with the Councils, and agreed that the national policy was inconsistent with the statutory scheme of plan making and its purposes; that the consultation process was unfair and that it failed to take into account a number of material considerations, including existing local plan policies on affordable housing, which must help to meet an objectively assessed need housing targets. Due to the immediate quashing of the relevant paragraphs of the NPPG, the Council was once again able to seek affordable contributions in line with its own Local Plan policies.²
- 1.15 However, it was considered that significant changes were required to the SPD, and therefore to repeat the Public Consultation stage.

Revised Draft Section 106 SPD Consultation (January 2016)

- 1.16 Changes were made to the draft SPD arising from a combination of: representations received for the March 2015 consultation referred to in table 1 above, issues which were raised at the examination of the Council's Community Infrastructure Levy

² Case Number CO/76/2015: Regina on the application of Reading Borough Council and West Berkshire District Council v Department for Communities and Local Government, 31 July 2015

(November 2015), the court case referred to above in para 1.13, updates to the CIL regulations and other statutory guidance. Reference was also added to the-then emerging Housing and Planning Bill.

- 1.17 An updated draft version of the SPD was then published for public consultation for a 6 week period. The consultation period ran from 12 January 2016 to 23 February 2016.
- 1.18 As previously, the 1500 developers, agents and landowners on the Council's Local Plan database were consulted by letter or email. Hard copies of the document were made available for inspection at all libraries in the Borough and Enfield Civic Centre. The document was also published on the Council's website.
- 1.19 The Council was also consulting on its Local Plan review issues and options during January and February 2016. As a consequence, six drop-in consultation events were arranged in different locations throughout the Borough during January and February 2016. Officers at these sessions were briefed on the draft S106 SPD and information on the Section 106 SPD was available to take away at the last three sessions; a copy of the leaflet is shown in Appendix 2.
- 1.20 18 comments were received in total (17 on-time and 1 late response). A list of the organisations and individuals who responded appears below.

- **Citizens Advice Enfield**
- **Health and Safety Executive**
- **Natural England**
- **Epping Forest District Council**
- **Transport for London**
- **Savills for Thames Water**
- **Sport England**
- **Tetlow King Planning**
- **Individual resident**
- **Indigo Planning for Standard Life Investments**
- **NLP for Berkeley Homes**
- **Environment Agency**
- **Indigo Planning for Sainsbury's**
- **St William Homes**
- **GLA**
- **North London Waste Authority**
- **Canal and River Trust**
- **Lea Valley Regional Park Authority**

- 1.21 Where an individual has made a representation in their own name, these responses are recorded anonymously under the label 'resident'. Where a community group, organisation or company submitted comments either on their own behalf or via a consultant, the name of the organisation and consultant (where applicable) has been recorded.

Court of Appeal decision, May 2016

- 1.22 Following the High Court decision referred to in para 1.13 above, the Government was granted permission to appeal the decision by taking the case to the Court of Appeal. Following the closure of consultation on the SPD in February 2016, a hearing took place at the Court of Appeal in March 2016. The Court of Appeal found

that the ministerial statement was lawful and overturned the High Court's earlier quashing of the statement. The 'small sites' exemption policy and Vacant Building Credit were subsequently restored to national planning policy on 11 May 2016. On 19 May 2016, the NPPG was formally amended to take account of the Court of Appeal's judgement. This has necessitated a change of approach in how the Council seeks contributions for Affordable Housing and Education under Section 106, and is reflected in Chapters 7 and 9 of the Section 106 SPD.

- 1.23 The national policy exemption means that a weighting exercise must be undertaken by planning officers determining schemes where development will deliver 10 or fewer units and the combined gross floorspace of the site does not exceed 1000 square metres. Development Management Document policy DMD2 and Core Strategy policy 3 all seek affordable housing and education contributions on schemes for 10 units or less, these policies remain material considerations pertinent to the application, however other factors including the written ministerial statement of 28 November 2014 and the associated NPPG update hold considerable weight.
- 1.24 Following the handing down of the Judgement on 11 May 2016, the balance of weight given would fall in favour of the national guidance over local policies Policy DMD2, Core Strategy Policy 3 As a consequence, Affordable Housing and other tariff-based contributions will not be payable under Section 106. This approach supersedes the position taken by the Council's Core Strategy Policy 3 and Development Management Document policies DMD 2 (and DMD 1 where a proposal is received for 10 units) and is reflected in the SPD.
- 1.25 Developers should note that, where the gross floorspace of any proposal for 1-10 units is greater than 1000 square metres, the development would still be subject to Section 106 requirements. Such proposals fall outside the scope of the new national policy position. Similarly, any proposals for 11 (or more) units are also outside of the scope of the new national policy. Under either of these scenarios, full weighting would be applied to the Council's policies DMD 1, DMD 2, Core Strategy Policy 3 and the S106 SPD.

Table 2: Table of comments received to the Revised Draft Section 106 SPD (January 2016) and the Council’s response

Name of individual/organisation submitting comment	Comment	Summary of response	Council comment
<p>Citizens Advice Enfield</p>	<p>I have read with interest the consultation on the council’s proposals regarding section 106 monies.</p> <p>Citizens Advice Enfield were the beneficiaries of section 106 some years ago, when the development at Vincent House was made conditional on providing premises for the voluntary and community (VCS) sector at a peppercorn rent. This facility has enabled us to use more of the council’s grant money on providing services to vulnerable people in Enfield and less on paying rent for offices and has thus had great benefit for the community. But there does not seem to be any emphasis on the VCS in the current consultation – though other, arguably less important, facilities are mentioned such as the provision of public art spaces. Similarly, you mention the need for mental health services, but this appears to be in the context of the statutory health service, rather than VCS groups such as MIND. In these challenging times for the VCS, it would be great to see acknowledgement of the potential use of section 106 monies to benefit the VCS as well as council services such as libraries, museums and art spaces.</p> <p>I was also hoping to see a recognition of the impact of large developments on the local VCS. For example, a large retirement community being developed might impact on Age UK. At CAB, we are certainly concerned that the building of 5,000 new homes at Meridian water will lead to increased demand for advice services, which we will struggle to meet. Although the document mentions the impact on libraries, it does not mention the impact on the</p>	<p>CAB has benefited from S106 funds in the past – lack of emphasis on the VCS in the current consultation document. Concern about impact of large developments e.g. Meridian Water, on local VCS.</p> <p>It would be great to see acknowledgement of the potential use of section 106 monies to benefit the VCS</p>	<p>If there are increased demands placed on services as a result of development activities, then the VCS may be able to benefit from the construction of new facilities or cash to enable service delivery as applicable on a case by case basis. Section 18 of the SPD makes provision for the negotiation of S106 for community facilities, not just libraries. The word ‘Council’ will be removed from the title of Section 18 to clarify the position.</p> <p>The impact or otherwise that VCS payments may have on corporation tax liability is not a planning matter.</p>

Name of individual/organisation submitting comment	Comment	Summary of response	Council comment
Citizens Advice Enfield (cont.)	<p>many local VCS services that work with the more vulnerable sections of the Enfield community.</p> <p>I hope that you don't mind me flagging this up – but business contributions to the VCS may reduce the amount of corporation tax that a limited company has to pay – and might therefore be a cost effective, tax efficient way of bringing in added value to Enfield from new developments.</p>		
Health and Safety Executive	<p>We have concluded that we have no representation to make on this occasion. This is because your consultation request is not concerned with the potential encroachment of future development on the consultation zones of major hazard installations or MAHPs. As the request is not relevant for HSE's land-use planning policy, we do not need to be informed of the next stages in the adoption of the above documents.</p>	<p>No representations, the consultation is not relevant for HSE's land-use planning policy.</p>	<p>No response required.</p>
Natural England	<p>Natural England has reviewed the current draft section 106 Supplementary Planning Document (SPD). In our previous response (dated April 2015) to the draft S106 SPD we advised you of the requirements for the Natural Environment within the National Planning Policy Framework (NPPF). We advised that the Community Infrastructure Levy (CIL) plays an important role in delivering a strategic approach to planning positively for the creation, protection enhancement and management of networks of biodiversity and green infrastructure. We raised the issue that in the absence of a CIL approach to enhancing the Natural Environment we would be concerned that that the only enhancements to the Natural Environment would be ad hoc.</p>	<p>Concerned that that the only enhancements to the Natural Environment would be ad hoc as natural environment is not covered by CIL.</p>	<p>Noted. Enhancements to the natural environment will continue to be sought via S106 agreements and these could be pooled (with regard to the pooling restrictions in the CIL regulations) to deliver green infrastructure.</p>

Name of individual/organisation submitting comment	Comment	Summary of response	Council comment
<p>Natural England (cont.)</p>	<p>We note that in the current draft S106 document this is still the case. Whilst the draft S106 SPD does include provision for contributions towards biodiversity, Green Infrastructure, open space and recreation these will still be on an ad hoc basis. Our original advice therefore still stands.</p> <p>The March 2015 response was: <i>“Natural England is not a service provider, nor do we have detailed knowledge of infrastructure requirements of the area concerned. However, we note that the National Planning Policy Framework (NPPF) Para 114 states “Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure” . We view the Community Infrastructure Levy (CIL) as playing an important role in delivering such a strategic approach. As such we advise that the council gives careful consideration to how it intends to meet this aspect of the NPPF, and the role of the CIL in this. In the absence of a CIL approach to enhancing the natural environment, we would be concerned that the only enhancements to the natural environment would be ad hoc, and not deliver a strategic approach, and that as such the local plan may not be consistent with the NPPF. Potential infrastructure requirements may include:</i></p> <ul style="list-style-type: none"> • <i>Access to natural greenspace.</i> • <i>Allotment provision</i> • <i>Infrastructure identified by any Local Nature Partnerships and or BAP projects.</i> • <i>Infrastructure identified in the local Rights of Way Improvement Plan.</i> 		<p>Noted</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
Epping Forest District Council	Thank you for consulting this Council on the above document. As with the earlier Draft S106 SPD, there are no issues which would require comments from this Council, and this e-mail is being sent to meet the deadline of 23rd February. Inevitably I have only skim-read the document, focusing on areas of potential interest. In that context, para 10.11 of the final version could perhaps include “ethical” in the 5th line, rather than “ethnical” (!).	Typographical error. ‘Ethnical’ appears at line 5 of para 10.11.	Para 10.11 is a typographical error and will be corrected to “ethical” in the final version.
Transport for London	<p>In 2015 TfL responded to the then draft advising that for Strategic Applications referred to the Mayor - TfL / GLA pre – app advice be referred to and where TfL is the highway authority for the Transport for London Road Network. These references are now included in the current document.</p> <p>The SPD advises that s.106 contributions will be considered on a case by case basis which is appropriate.</p> <p>A revised Table 8 in the new document refers to appropriate mitigation which now includes “public transport infrastructure” which addresses a concern that TfL previously expressed.</p>	<p>Paragraph 2.10 advises ...”Pooling restrictions do not apply to non-CIL items such as employment skills and training, or sustainable transport improvements such as car clubs by provision or travel plans”.</p> <p>This is yet to be clarified by DCLG but it is understood that pooling restrictions do apply in these circumstances and the approach suggested in the SPD may well be incorrect.</p>	<p>Comments noted.</p> <p>The Council has taken legal advice which states that employment and skills and travel plans would not constitute ‘infrastructure’ for the purpose of the CIL regulations.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>Transport for London (cont.)</p>	<p>The revised SPD paragraph 8.8 paragraph advises: “Any wider cumulative transport impacts arising from development that serve to increase the demands on transport networks may be addressed through CIL via the Regulation 123 list.” As Enfield has just defended their unique single item Regulation 123 list the above drafting change from ‘will’ to ‘may’ be addressed through CIL is appropriate.</p> <p>The current document has been amended to advise that in Growth Areas, S106 contributions will be sought and pooled in accordance with the pooling restrictions identified in the CIL regulations.</p> <p>However, this appears to be somewhat muddled as paragraph 2.10 advises ...”Pooling restrictions do not apply to non-CIL items such as employment skills and training, or sustainable transport improvements such as car clubs by provision or travel plans”.</p> <p>This point has yet to be clarified by DCLG but it is understood that pooling restrictions do in fact apply in these circumstances and the proposed approach suggested in the SPD may well be incorrect. The above comments from Transport for London and are made entirely on a "without prejudice" basis and do not necessarily represent the views of the Greater London Authority, which should be consulted separately.</p>		

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>Savills – on behalf of Thames Water</p>	<p>We have the following comments on the consultation document on behalf of Thames Water:</p> <p>Omission of Section on Water Supply and Waste Water Infrastructure</p> <p>Regarding the funding of water and sewerage infrastructure, it is Thames Water’s understanding that Section 106 Agreements cannot be required to be used to secure water and waste water infrastructure upgrades. However, it is essential to ensure that such infrastructure is in place to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems.</p> <p>Water and sewerage undertakers also have limited powers under the water industry act to prevent connection ahead of infrastructure upgrades and therefore rely heavily on the planning system to ensure infrastructure is provided ahead of development either through phasing and Local Plan policies or the use of Grampian style conditions attached to planning permissions.</p> <p>It is essential that developers demonstrate that adequate capacity exists both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed</p>	<p>Savills/Thames Water want new sections adding on water supply and waste water infrastructure.</p>	<p>Identical comments were received from Savills on the March-April 2015 consultation draft. The suggested paragraph was included as paragraph 10.18 of the SPD. No further action is needed.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>Savills - on behalf of Thames Water (cont.)</p>	<p>development will lead to overloading of existing water & sewerage infrastructure. Where there is a capacity problem and no improvements are programmed by the water company, then the developer needs to contact the water company to agree what improvements are required and how they will be delivered prior to any occupation of the development. Thames Water rely heavily on the planning process to ensure they have the necessary infrastructure in areas where development is clearly identified and seek planning conditions where it is not. Capacity problems, possibly leading to flooding, could occur in some cases if Thames Water have not been given the opportunity, either through advance planning or through conditional planning approvals, to provide the capacity prior to the development taking place. Thames Water therefore consider that the following section should also be added to the SPD:</p> <p><i>“Wastewater/Sewerage and Water Supply Infrastructure</i></p> <p>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 existing or new 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 waste water infrastructure. Drainage on the site must maintain separation of foul and surface flows.</p>		

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
Savills - on behalf of Thames Water (cont.)	<p>Where there is an infrastructure capacity constraint the Council will require the developer to set out what appropriate improvements are required and how they will be delivered. Further information for Developers on sewerage infrastructure can be found on Thames Water’s website at: http://www.thameswater.co.uk/home/11425.htm</p> <p>Or contact can be made with Thames Water Developer Services By post at: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading RG1 8DB; By telephone on: 0800 009 3921; Or by email: developer.services@thameswater.co.uk”</p>		
Sport England	<p>Thank you for consulting Sport England on the above consultation. Sport England previously commented on the Council’s 2011 Draft S106 Supplementary Planning Document. In the comments provided Sport England welcomed the inclusion of open space and recreation in the objectives for community infrastructure and green infrastructure provision in the Draft SPD.</p> <p>The Council’s acknowledgement of the deficiencies in sports halls and artificial grass pitches in paragraph 6.8.5 of the Draft SPD was also welcomed and supported. This was in light of Sport England’s Facilities Planning Model (FPM) reports, which were used in 2010 to provide the Council with a spatial assessment of the supply and demand for sports halls and artificial grass pitches in Enfield in both 2010 (benchmark year) and as projected for 2026. ‘Sporting and recreation facilities’ are included within the</p>	<p>Sport provision does not feature as part of development to be funded by CIL.</p> <p>Council must make it clear how the provision for strategic sports facilities will be provided given that it can only pool contributions from up to 5 developments via S106 agreements.</p>	<p>Reference added in para 15.9 that S106 agreements will be used to secure new sports facilities needed to meet new demand arising from development for sports facilities (indoor and outdoor).</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>Sport England (cont.)</p>	<p>definition of Community Infrastructure Levy (CIL) infrastructure in the 2008 Planning Act (section 216) which means money raised can be used to fund new or enhanced sports facilities. In order to provide an informed response Sport England has considered the following documents which will be referenced in the response:</p> <ul style="list-style-type: none"> · January 2016 Draft S106 Supplementary Planning Document · Draft Infrastructure Delivery Plan · Draft Regulation 123 List <p>The Draft Regulation 123 List sets out what CIL money will be spent on. However, sport provision does not feature as part of development to be funded by CIL. As the Council will be aware, once CIL is in place, no more obligations may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy. If it is intended that the Council is seeking to fund all sports provision from S106 contributions, the Council must make it clear how the provision for strategic sports facilities will be provided given that it can only pool contributions from up to 5 developments via S106 agreements.</p> <p>A more appropriate approach for sports facilities would be for specific strategic sport projects to be put on the Regulation 123 List for CIL funding, with smaller scale projects to be funded</p>	<p>SE recommends that the SPD confirms that S106 agreements will be used to secure new sports facilities needed to meet new demand arising from development for sports facilities (indoor and outdoor). Put strategic sport projects on the Regulation 123 List for CIL funding, with smaller scale projects to be funded via S106.</p>	<p>Reference added in para 15,9 that the IDP and Playing Pitch Strategy, will help the Council determine what sports infrastructure is required for playing fields.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
Sport England (cont.)	<p>through s106 agreements from identified sites. Due to the pooling restrictions in place, the Council will need to think strategically and plan effectively for sports infrastructure delivery in the future, linking development sites with specific projects to meet identified sporting needs. This will enable the Council to take a proactive approach to ensure the most effective use of planning obligations and CIL together to help meet the needs of the existing and new population.</p> <p>Sport England therefore recommends that the Draft S106 Supplementary Planning Document confirms that S106 agreements will be used to secure new sports facilities needed to meet new demand arising from development for sports facilities (indoor and outdoor).</p> <p>The Council's Infrastructure Delivery Plan and Playing Pitch Strategy, currently being prepared for Enfield Borough will help the Council determine what sports infrastructure is required for playing fields and Sport England intends to work with the Council to ensure that the outputs from this work and the Council's other strategies for outdoor and indoor facilities can be fed into the Council's Regulation 123 List, Infrastructure Delivery Plan and Section 106 SPD.</p> <p>In order to ensure that outputs from this work are sound, Sport England seeks clarity on the following paragraphs, within Section 15 of the Draft SPD:</p>		

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Sport England (cont.)	<p>Para 15.14 and 15.15 of the draft SPD quote the NPPF, but it isn't clear how the SPD will ensure that current/future need and deficits of open space, sports and recreation facilities will be addressed, which is what paragraph 73 of the NPPF requires.</p> <p>Paragraph 73 of the NPPF states that: <i>“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. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”</i></p> <p>In light of this, the SPD should make it clear what evidence has been taken into account and how this is expected to inform facility provision as part of new development.</p> <p>Paragraph 15.6: <i>“Where residential development is proposed and the area has an identified deficiency - particularly for children’s play facilities - contributions will be required to address the issue”.</i> Please provide reasoning as to why children’s play facilities are considered specifically above other types of open space/recreation? The council should ensure that areas of deficiency identified reflect the findings of the Council’s Playing Pitch Strategy and Built Facilities Strategy. Furthermore, the London Plan SPD Shaping Neighbourhoods: Play and Informal Recreation, does not cover formal sports facilities – therefore the Council needs to consider how it intends to seek delivery of formal</p>	<p>Unclear how the SPD will ensure that current/future need and deficits of open space, sports and recreation facilities will be addressed, which is what paragraph 73 of the NPPF requires</p> <p>Re: Paragraph 15.6, Please provide reasoning as to why children’s play facilities are considered specifically above other types of open space/recreation?</p> <p>Must reflect the findings of the Council’s Playing Pitch Strategy and Built Facilities Strategy. Furthermore, the London Plan SPD Shaping Neighbourhoods: Play and Informal Recreation does not cover formal sports facilities – LBE needs to think about how it will seek delivery of sport facilities.</p>	<p>Core Strategy policy 34, Policy DMD71 provides protection for open space and DMD72 – new open space. Areas of deficiency are identified in the Open Space and Sports Assessment Update. Where on-site provision is not possible, contributions will be sought to improve access to, or to improve the quality of, existing open spaces.</p>

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Sport England (cont.)	<p>sports facilities. Similar wording as has been used for the provision of play facilities should be used.</p> <p>Paragraph 15.7: should be modified to read: <i>“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.”</i></p> <p>I hope that this response is helpful to the Council in determining an approach for negotiating Section 106 agreements in parallel with setting a Community Infrastructure Levy.</p>	<p>Paragraph 15.7: should be modified to read: “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.”</p>	<p>Agree with response, paragraph 15.7 (now paragraph 15.8 amended as suggested.</p>
Tetlow King Planning	<p>We represent Rentplus, a company providing an innovative affordable housing model aimed at delivering discounted rented homes to buy for people who are unable to acquire a property on the open market but also trapped by ineligibility for existing affordable housing tenures. We have separately responded to the Council’s Local Plan consultation; the documents appended to that representation have not been appended again for brevity, but should also be considered in relation to the revised S106 SPD. As set out in our response to the Local Plan consultation, the Government has pledged to enable greater levels of home ownership, including through the supply of 10,000 rent to buy</p>	<p>The Council should work with Rentplus to deliver affordable homes in the borough.</p>	<p>Noted. The new Housing and Planning Act will bring many changes to the planning and housing fields; and Starter Homes may impact on Affordable Housing delivery. In operational terms, it will take time for the impact of the legislation to be fully quantifiable.</p>

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<p>Tetlow King Planning (cont.)</p>	<p>homes “<i>that will allow a tenant to save for a deposit while they rent.</i>” As developers of a rent to buy model Rentplus would diversify the mix of homes in Enfield, as well as making a valuable contribution to meeting many householders’ aspirations of home ownership which cannot be met through either traditional affordable or open market housing.</p> <p>As recognised at paragraph 3.4 of the draft SPD, the Housing and Planning Bill proposes a number of reforms that will affect the definition of affordable housing and how this may be delivered and encouraged through the planning system. As noted in our Local Plan representation, the Government’s amendments to the affordable housing definition propose incorporating rent to buy affordable housing, and Starter Homes. The contents of the Bill and that consultation need to be considered further by the Council before publishing a final SPD as these may significantly alter the definition of affordable housing and how Section 106 Agreements operate. The proposed changes will directly impact on the new Local Plan policies and how these operate through the S106 SPD; any formal changes to the definition of affordable housing in the NPPF will need to be incorporated into both of these documents. Delivery of traditional affordable housing is becoming ever more difficult in the context of national funding cuts and housing associations’ need to focus on shared ownership housing in order to fund their own development programmes. This makes it ever more important for the Council to maximise delivery through a variety of mechanisms and to take a pragmatic approach to tenure mix.</p>		<p>The Council’s forthcoming ‘Local Plan Review’ will be better placed to identify and suggest remedial action to address any negative effects which stem not only from the introduction of the Housing and Planning Act, but also from other recent changes to the planning system.</p> <p>We note the existence of the ‘rentplus’ model. However, notwithstanding any benefits of the model, Affordable Housing per se is just one of many types of contributions required under S106. Most importantly, as the response acknowledges, different Affordable Housing products are available.</p> <p>The Council would ask the respondent to note that the SPD is unable to</p>

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<p>Tetlow King Planning (cont.)</p>	<p>As well as helping meet the needs of those households aspiring to home ownership but currently locked out of both affordable and market housing, rent to buy homes will add value to the local housing stock, and on individual sites have the potential to boost scheme viability.</p> <p>With a considerable need for affordable housing, the Council should welcome innovative methods which could secure a greater number of affordable houses through the new Local Plan and this SPD. To support this, a fresh viability assessment should be undertaken to understand the interactions of Starter Homes and rent to buy housing will have on the viability of development across Enfield. The Minister of Housing, Brandon Lewis MP, wrote to all local planning authorities in 2015 requesting that limited viability information is sought on individual planning applications where altering the mix, for example, would assist in expediting negotiations and delivering homes. This advice needs to be heeded in finalising the SPD as requiring full viability testing on all schemes may unnecessarily delay schemes on which (for example) a proportion of Rentplus rent to buy homes would speed up delivery and improve overall tenure mix.</p> <p>In the short term, it would be beneficial for housing and planning officers to meet with Rentplus to discuss the practical delivery of Rentplus homes and potentially the use of a Memorandum of Understanding (MoU) to establish a working relationship to provide affordable homes across the borough. Further information on the model and advice on the drafting of the rent to buy element of the affordable housing definition would be offered.</p>		<p>promote or prioritise the delivery of one type or model of Affordable Housing over another through the SPD.</p>

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Resident	<p>Paragraph 13.9 - clarify that ATA means Apprenticeship Training Agency (not Apprentice).</p> <p>Amend Para 13.11 to read 'Normally, for each £1m of site value, the Council will require one apprentice or trainee to be employed for a full year'</p> <p>Delete word 'construction' in Paragraph 13.14</p> <p>Rewording of Paragraph 13.15 by incorporating existing para 13.20, as follows: "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 Economic Development Service in-lieu of creating apprenticeships or training weeks aimed at getting people in the borough of Enfield into work. <i>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"</i></p> <p>Deletion of Paragraph 13.16</p> <p>Amend paragraph 13.19 as follows "Monies collected in lieu of employing trainees on site will be pooled to activity that supports the provision and delivery of: apprenticeships, skills training, employment support, job brokerage and work placements;</p>	Suggested changes to text to improve legibility.	<p>Para 13.9 amended as suggested.</p> <p>Amend para 13.11 as suggested</p> <p>The word 'construction' in 13.14 has been deleted</p> <p>Para 13.16 to be deleted as suggested</p> <p>Regarding para 13.19 please note that if this wording was added, para 13.19 would then duplicate the expanded 13.15.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
Resident (Cont.)	local labour programmes, supply chain management and programmes aimed at assisting SMEs”.		
Indigo Planning - on behalf of Standard Life Investments (SLI)	<p>SLI currently operate two shopping centres in Enfield, Palace Exchange and Palace Gardens and are therefore keen to engage in the consultation on the draft s106 SPD for Enfield.</p> <p>Having reviewed the draft SPD, SLI have a number of comments, as follows. Any planning obligation sought must be Regulation 122 compliant in that it must be:</p> <p>(a) necessary to make the development acceptable in planning terms;</p> <p>(b) directly related to the development; and</p> <p>(c) fairly and reasonably related in scale and kind to the development.</p> <p>In terms of affordable housing:</p> <ul style="list-style-type: none"> • flexibility should be provided on a case by case basis to allow for reduced provision of affordable housing where this is justified by a viability assessment or other exceptional circumstance; • the proposal to develop a complex review mechanism as set out at paragraph 7.6 and 7.7 should be avoided as it does not provide any certainty for developers; • flexibility should be provided to allow tenure splits to be agreed on a site by site basis, depending on site circumstances and housing need. <p>In terms of contributions towards education provision, this should</p>	<p>Education contributions should be agreed on a site by site basis dependant on the type of housing proposed and the needs of the area (similar to the old 2011-15 table).</p> <p>There should be more flexibility to agree a carbon fund contribution.</p>	<p>The Council must be mindful of scheme viability under paragraph 173 of NPPF. Schemes must be policy compliant, and matters such as tenure splits, or percentage of affordable housing would be discussed at pre-application meetings. These offer the element of flexibility required. In addition, any amounts due under Section 106 can be negotiated, unlike CIL.</p> <p>Education contributions are agreed on a site by site basis. The figure of £2,535 includes a contribution towards childcare provision. This figure is within the £3k guideline identified by the CIL viability study report for all S106 costs (excluding</p>

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<p>Indigo Planning - on behalf of Standard Life Investments (cont.)</p>	<p>be agreed on a site by site basis dependant on the type of housing proposed and the needs of the area.</p> <p>The SPD provides a prescriptive formula to calculate the contribution payable towards the Council's Carbon Fund. There should be more flexibility to agree this contribution as such a requirement can often result in schemes becoming unviable, particularly with the increase in build costs etc.</p> <p>SLI would welcome the opportunity to meet with officers to discuss their aspirations for future development in the area and potential mixed use opportunities which would assist the council's growth objectives.</p>		<p>affordable housing) on schemes of 50 units or less.</p> <p>The £2,535 figure is based on early years, primary and secondary provision arising from a 2 bed unit, as detailed in the March 2015 draft SPD.</p> <p>The Child Yields referred to in para 9.10 are calculated using GLA population yield data these are intended purely to demonstrate likely child numbers arising from a development and not a financial contribution. These show that family housing has a higher child yield, and that yields can vary by tenure and location. As mentioned already, there is an element of flexibility to negotiate any obligations which are due under Section 106.</p>

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<p>Nathaniel Lichfield and Partners (NLP) - on behalf of Berkeley Homes</p>	<p>Berkeley generally supports the approach the Council is proposing in the Revised Draft SPD. The comments set out below focus initially on the relationship of this document to Enfield's Community Infrastructure Levy, followed by a review of the S106 contribution topics (where considered necessary).</p> <p>In summary, we consider greater clarity is required in relation to the Section 106 obligations and the Borough CIL, clarifying how these two charges relate to one another and how they are distinct. Within the contributions chapters themselves, there are also some areas which we consider need review to ensure a flexible approach is provided, such as affordable housing, along with clarity in relation to calculations such as the carbon fund and education contributions.</p>	<p>Greater clarity is required in relation to the Section 106 obligations and the Borough CIL, specifically in clarifying how these two charges relate to one another and how they are distinct. There are also some areas which we consider need review to ensure a flexible approach is provided, such as affordable housing, along with clarity in relation to calculations such as the</p>	<p>Noted. We do provide clarity on how the two regimes will operate in Chapter 2 and Appendix 1.</p> <p>Education contributions are agreed on a site by site basis. The figure of £2,535 includes a contribution towards childcare provision, as shown in our response to Indigo Planning (above).</p> <p>The Child Yields referred to in para 9.10 are calculated using GLA population yield data. These show that family housing has a higher child yield, and yields vary by tenure. Relevant sections of the document clarifying the relationship between 106 and CIL have been updated to reflect the CIL adoption.</p>

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<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>Section 106 and the Community Infrastructure Levy</p> <p>We are aware that, as set out within the Revised Draft SPD, Enfield’s Community Infrastructure Levy (CIL) will contribute towards meeting the Borough’s broader strategic infrastructure needs, whilst S106 planning obligations will continue to be used to mitigate site-specific matters, as well as infrastructure not contained on the Regulation 123 list. However, we consider the draft SPD is absent on the necessary detail and clarity on this given the timing of its preparation.</p> <p>The purpose of the original S106 SPD, as adopted in 2011, was to establish a transparent, fair and consistent process for negotiating S106 agreements in advance of setting a CIL. The revisions now made (dated January 2016) refer to the drafting of the Borough’s CIL, along with the revisions made to the National Planning Practice Guidance following a High Court challenge on the Vacant Building Credit and affordable housing contributions.</p> <p>It is important to note that the drafting of the revised SPD therefore preceded the publication of the Inspector’s report on the CIL Draft Charging Schedule. As you will be aware, the Inspector issued his Examination Report on 18 December 2015, concluding that the CIL Charging Schedule provides an appropriate basis for the collection of Enfield’s Levy, subject to minor modifications. As part of his review, Inspector Kemmann-Lane considered the Draft</p>	<p>Carbon Fund and Education contributions. We consider that the SPD must be updated to cover both the CIL charge and S106 obligations, setting out explicitly what will be funded under the CIL and how this will affect related S106 obligations.</p> <p>For example, under the S106 SPD Chapter 8 (Contributions for Transport and Highways), it should be made clear that the rail and causeway infrastructure at Meridian Water will be funded through CIL, with no monies requested by way of S106 contributions (i.e. there will be no ‘double-dipping’).</p> <p>In addition, it should be clarified early in this document that the CIL will</p>	<p>Reference added to the final version of the SPD to state that the latest version of the Reg 123 list is on the website, and that any items of infrastructure on the list will not be subject of s106 contribution.</p>

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<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>Regulation 123 List, which he noted to be ‘very unusual’ given it refers to a single item of ‘<i>Meridian Water – Rail and Causeway Infrastructure</i>’. Consideration was given to the impact this might have on the general need for infrastructure and S106 obligations, including pooling. It was confirmed by LB Enfield that S106 contributions will continue to be sought for items such as education and libraries, subject to viability, legal considerations etc. and, based on the Inspector’s review of the viability case, it was concluded that adequate provision had been made to justify the proposed CIL charging levels.</p> <p>Therefore, at the time of this consultation on the revised S106 SPD, the Council has a Regulation 123 List and a CIL Charging Schedule which have been examined by an Inspector and found to be sound; they are due to be adopted imminently. We therefore consider that to provide a greater level of clarity on the Council’s position, the SPD must be updated to cover both the CIL charge and S106 obligations, setting out explicitly what will be funded under the CIL and how this will affect related S106 obligations. For example, under the S106 SPD Chapter 8 (Contributions for Transport and Highways), it should be made clear that the rail and causeway infrastructure at Meridian Water will be funded through CIL, with no monies requested by way of S106 contributions (i.e. there will be no ‘double-dipping’). In addition, it should be clarified early in this document that the CIL will not be used for Borough-wide infrastructure such as schools, libraries etc. and these will be covered by S106 contributions. This will avoid any confusion when reviewing this document, given it is already out of date in this regard.</p>	<p>not be used for Borough-wide infrastructure such as schools, libraries etc. and these will be covered by S106 contributions.</p>	<p>A new paragraph 2.8 has been added to set out that <i>“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 addressed under Section 106 for the time being. A future review of the Regulation 123 list may seek to integrate such contributions within CIL”</i>.</p>

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<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>Chapter 3: Planning Policy Context</p> <p>We note that reference is made to the Central Leaside Area Action Plan (AAP) under the 'Meridian Water Masterplan' (para. 3.12). It is stated that the CIL Charging Schedule has a zero rate for this area, given there are other significant costs associated with this site and its delivery is critical to the overall Plan delivery. However, the draft SPD also states that the AAP recognises that there may be scope to secure S106 obligations from developments in the Meridian Water area to help fund other infrastructure not on the CIL Regulation 123 list. Whilst we appreciate that this may be the case, the AAP is still being prepared and is currently subject to a detailed review and significant updates to its evidence base to reflect the changing circumstances at this site (including the London Plan 2015 housing targets, the Housing Zones funding, land purchases etc.). We understand it will then be subject to further consultation prior to Examination.</p> <p>The AAP is therefore not yet at a stage where it can make assumptions in relation to S106 contributions sought from Meridian Water, and this will need to be subject to detailed viability work as the Housing Zone comes forward for development. As noted in the draft SPD, the development of this area will carry significant costs, which are abnormally higher than other forms of development, and to ensure it is deliverable these contributions may not be viable (as has been accepted with the CIL charge).</p>	<p>AAP is still being prepared. It is therefore not yet at a stage where it can make assumptions in relation to S106 contributions sought from Meridian Water, and this will need to be subject to detailed viability work as the Housing Zone comes forward for development.</p>	<p>CLAAP still under preparation and will need to be subjected to viability work as Meridian Water comes forward.</p> <p>The magnitude of the Meridian Water scheme means that a S106 agreement will be inevitable. As such it is not inappropriate to make reference to securing S106 contributions at Meridian Water</p>

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<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>Chapter 5: Process, Procedures and Management of Section 106 Agreements We note that under Section 5.9 of the Revised Draft SPD, a hierarchy of property values in Enfield is provided by postcode, from highest to lowest. We consider this paragraph should be deleted and the wording of this section revised, given property values will change across the Borough over time with the potential for certain postcode values to increase and others to decrease. The SPD must have longevity and the listing of these specific areas/values will restrict the required flexible approach to viability.</p> <p>Chapter 7: Contributions for Affordable Housing The Council’s starting point under the policies of the Core Strategy and Development Management Document is for 40% affordable housing to be provided on site, subject to viability testing. However, as noted under para. 7.15 of the draft SPD, there may be exceptional circumstances which justify delivering affordable housing off-site. There are two potential options for this alternative delivery; a financial contribution in lieu of on-site provision, or the use of a ‘donor’ site.</p> <p>We support this flexible approach suggested by the Council. In relation to a financial contribution, para. 7.18 states that the developer will be required to make a payment 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. We note that, as set out later under para. 7.19, this should be subject to viability testing and the financial contribution sought by the Council may equate to less than a 40% provision.</p>	<p>The Hierarchy of Property Values in Enfield (para 5.9) should be deleted, given that property values will change across the Borough over time and certain postcode values may increase while others decrease</p>	<p>The Council recognise the sentiment of para 5.9, however this paragraph is provided by way of context as not all developers will necessarily be familiar with the Borough.</p> <p>Comments relating to Chapter 7 could only be addressed on a case-by-case basis. Should a developer wish to provide a donor site or a site plus cash (as discussed in this submission) instead of a one-off financial payment, this is something which could be explored through negotiations prior to signing an S106.</p>

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<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>The alternative option, of providing a donor site, is addressed under para. 7.21. It is noted that in some cases it may be appropriate for developers to transfer land, either to the Council or a Registered Provider. In this case, the SPD states that the value of the land to be transferred should equal or exceed the required financial contribution. We note that there may be an alternative of providing a piece of land which, although a suitable development site for housing provision, may have a lower value than the on-site provision; a financial contribution could then be made to 'top up' the contribution. This would avoid a possible situation where a donor site was available and suitable, but would not pass the tests of this SPD given its land value and would allow for further flexibility.</p> <p>Chapter 8: Contributions for Transport and Highways This chapter needs to be updated in the context of the CIL which has now passed Examination, and the associated Regulation 123 list (as set out earlier in this letter). For example, para. 8.8 states <i>"any wider cumulative transport impacts arising from development that serve to increase the demands on transport networks may be addressed through CIL via the Regulation 123 list"</i>. Given the List has now been finalised and passed the Inspector's scrutiny, it is clear that the only infrastructure to be funded relates to the 'rail and causeway' at Meridian Water. Any changes to this would need to go through public consultation, and if this were the case the S106 SPD would need to be reviewed and revised in any case (as this may affect other planning obligations).</p>	<p>*Chapter 8 needs to be updated in the context of the CIL and the associated Regulation 123 list which has now passed Examination.</p> <p>Consider that the contributions sought for transport and highways need to be made clear, with clarification in relation to the application of the CIL contributions and the necessity for S106</p>	<p>Noted - Chapter 8 (in particular paragraph 8.8) has been updated to reflect the adoption of CIL on 1 April 2016.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>We therefore consider that the contributions sought for transport and highways need to be made clear, with clarification in relation to the application of the CIL contributions and the necessity for S106 contributions to fund other infrastructure beyond that on the Regulation 123 list.</p> <p>We also note that under para. 8.22, reference is again made to the Central Leaside Area Action Plan and the contributions sought from the Meridian Water Masterplan area (beyond the infrastructure on the Regulation 123 list). We again note that this AAP is going through a detailed review based on significant changes to the evidence base and has not yet been through the necessary consultation or Examination process for it to be relied upon within the S106 SPD. This should be made clear in the draft document.</p> <p>Chapter 9: Contributions for Education</p> <p>Chapter 9 sets out that the contributions for education have been informed by average child yields, and will be sought from all developments of 10 or more residential dwellings. However, the SPD then goes on to state that ‘financial contributions are sought at a rate of £2,535 per dwelling regardless of unit size’. It is also noted that for larger residential developments, additional contributions may be sought given the child yields are greater from family housing, and child yields also vary according to the tenure of dwellings provided. The approach of the SPD therefore appears to</p>	<p>contributions to fund other infrastructure beyond that on the Regulation 123 list.</p> <p>The contribution results in a higher charge per unit of £2,535 for 1 & 2 bedroom properties. If contribution is based on child yield, ed conts should be based on child yield full stop. Currently 20 x 1 bed units would pay the same as 20 x 4 despite the different CY.</p>	<p>The magnitude of the Meridian Water scheme means that a S106 agreement will be inevitable. As such it is not inappropriate to make reference to securing S106 contributions at Meridian Water.</p> <p>The £2,535 figure is based on early years, primary and secondary provision arising from a 2 bed unit, as detailed in the March 2015 draft SPD.</p> <p>The Child Yields referred to in para 9.10 are calculated using GLA population yield data these are intended purely to demonstrate</p>

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<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>contradict itself. If the contribution to education is based on child yield, it would appear appropriate for this to be calculated based on the development's projected child yield, which would account for the proportion of family housing (as opposed to studio/one-bedroom dwellings). For example, a development of 20 one-bedroom flats would otherwise pay the same contribution as a development of 20 four-bedroom houses under this formula, despite the very different child yields. Clearly the viability of this approach should be tested</p> <p>Under para. 9.11, reference is made to the transfer of land to the Council at a value to equal or exceed the required financial contribution. We again note here that provision should be made for the transfer of land along with a 'top up' financial contribution, where appropriate, to be agreed with the Council.</p> <p>Chapter 10: Contributions for Climate Change, Flooding and the Environment</p> <p>Chapter 10 addresses the requirement for carbon emission reductions and the associated targets against the Building Regulations. In this context it should be noted that the UK Government stated in July 2015 that it did not intend to proceed with the zero carbon target (or the associated Code for Sustainable Homes). Consequently, we question the accuracy of the statement in paragraph 10.5 of the draft SPD and this should be revised to ensure the approach is aligned with national targets.</p>	<p>Enfield should revise the approach taken in paragraph 10.5 regarding zero carbon housing by 2016. The UK Government stated in July 2015 that it did not intend to proceed with the zero carbon target (or the associated Code for Sustainable Homes).</p>	<p>likely child numbers arising from a development and not a financial contribution.</p> <p>The respondent should note that, in December 2015 the Mayor of London announced his intention to keep the Zero Carbon Homes target in place in London. In its own response to this consultation, the GLA states that "...the Mayor will issue further guidance</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>We note that there is no up to date local policy or evidence base to base the 'zero carbon emissions by 2016' requirement which would supersede the Government's approach.</p> <p>Therefore whilst the SPD can be revised it must be aligned with national targets, as set out in the Building Regulations, and any additional London-wide objectives as set out in the London Plan. Local, Borough-led policies may constrain housing delivery if they are more onerous than national and regional requirements.</p> <p>Chapter 13: Contributions for Business, Employment and Skills We support the approach outlined under Chapter 13 of the draft SPD. In particular, we refer to paras. 13.22 and 13.23. It is noted that where employment land, uses or jobs are lost, this must be addressed through the S106. However, under para. 13.23 we consider the first sentence should be altered to state "where necessary, through the use of a payment of S106 agreement obligations, the developer will be required to..." given not all of these three options require a 'payment'.</p>	<p>Seek changes to wording of para 13.23.</p>	<p>(prior to purdah) on how housing developments should address London Plan policy 5.2's 'zero carbon' target". As the borough policy must conform to the London Plan, updates have been made to the section to reflect changing GLA guidance .</p> <p>Regarding chapter 13, use of the word 'or' makes clear that one of the three options will be required under paragraph 13.23. Payment is required where jobs are lost and they cannot be re-provided elsewhere. If the wording of para 13.23 was changed as suggested by the consultee, a payment would be required with no other options available?</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>Chapter 14: Contributions towards Built Heritage and Conservation</p> <p>We appreciate that there are a number of sites in the Borough, such as the former Middlesex University Campus at Trent Park, where the conservation of heritage assets is of key importance; securing their upkeep, maintenance and repair may be suitably secured via a S106 agreement.</p> <p>As drafted, however, para 14.6 does not make clear the distinction (as is made in the rest of the document) between a monetary and non-monetary contribution. It is simply stated that <i>“contributions will be sought for conservation area or heritage area improvement schemes and listed buildings identified on the Heritage at Risk Register.</i></p> <p><i>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”.</i> Whilst we support this approach, we note that a distinction should be made here that this will, in the majority of cases, comprise an agreement under the S106 to carry out a series of restoration works as part of the proposed development, rather than the payment of monies to the Council. For example, at Trent Park, the listed buildings and landscape would be restored as part of any wider redevelopment scheme, with these works carried out by Berkeley’s appointed team and funded by the developer (with grants sought as necessary).</p>	<p>Para 14.6 does not make the distinction between monetary and non-monetary contributions clear. A distinction should be made here that this will, in the majority of cases, comprise an agreement under the S106 to carry out a series of restoration works as part of the proposed development, rather than the payment of monies to the Council.</p>	<p>Agree with comment regarding paragraph 14.6. This paragraph has been amended as suggested by explaining these contributions will ‘normally’ be non-financial.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>NLP on behalf of Berkeley Homes (cont.)</p>	<p>Chapter 18: Contributions for Libraries and other Council Community Facilities</p> <p>Chapter 18 states that contributions towards libraries may be sought from ‘Ponders End and Meridian Water Regeneration Priority Areas; North Circular Area Action Plan Area, Enfield Town and Edmonton Green’, along with other schemes over 50 units, particularly those in the north east and south west of the Borough. In relation to the former (i.e. the major housing development zones) it is likely that a library provision will be incorporated into the wider masterplan area.</p> <p>Therefore, depending on the scale of development brought forward, it would be helpful to make clear that any proposal to provide a library on site is clearly in lieu of the monetary contribution (as is the case with educational provision, healthcare etc).</p>	<p>Depending on the scale of development brought forward, it would be helpful to make clear that any proposal to provide a library on site is clearly in lieu of the monetary contribution (as is the case with educational provision, healthcare etc.)</p>	<p>Agree with point raised under chapter 18, paragraph 18.4 has been amended to reflect this.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
NLP on behalf of Berkeley Homes (cont.)	<p>Summary In summary, Berkeley is supportive of Enfield's review of the Section 106 SPD and the associated approach to the Borough CIL. However, as set out in our comments above, we consider greater clarity is required in relation to these two charges and how they relate to one another, and indeed how they are distinct. Within the contributions themselves, there are also some areas which we consider need review to ensure a flexible approach is provided in relation to monetary and land contributions, along with clarity in relation to certain calculations such as the carbon fund. We therefore request that the above comments on the Revised Draft Section 106 SPD are considered and addressed by the Council as part of their review.</p>	Berkeley is generally supportive of the draft SPD and associated approach to CIL. Some greater clarity is required as to how the two charges relate to each other and how they are distinct.	The general support is noted. Your comments will be taken account of as set out above.
Environment Agency	<p>We are disappointed that you have not acknowledged the Water Framework Directive (WFD) and corresponding Thames River Basin Management Plan (RBMP) within this document, especially as all of your water bodies are currently failing to achieve good ecological status/potential.</p> <p>In line with the Localism Act 2011, Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 and National Planning Policy Framework, you play a big role in delivering the aims and objectives of the Thames RBMP and your Section 106 Supplementary Planning Document is a useful tool for this purpose. For example, a number of WFD actions have been identified for Meridian Water which we expect to be delivered on-site. However, should this not be possible then a S106 agreement for equivalent enhancements will be required.</p>	Local policy plays a big role in delivering the aims and objectives of the Thames RBMP. A number of WFD actions have been identified for Meridian Water which we expect to be delivered on-site. However, should this not be possible then a S106 agreement for equivalent enhancements will be required.	Agreed. Para 16.3 clarifies that contributions may be sought from any development adjacent to a watercourse to seek enhancements to the riverbank which will improve biodiversity. Para 15.7 now points out that contributions towards waterway improvements may be sought from large developments.

Name of individual/organisation submitting comment	Comment	Summary of response	Council comment
Environment Agency (cont.)	<p>To view water body summaries and download relevant catchment data for your area please visit: http://environment.data.gov.uk/catchment-planning/.</p> <p>We are also disappointed to see that you do not require contributions towards green infrastructure for any business or retail use. As you have acknowledged later in the document, green infrastructure, including improvements to waterways, is integral to the health and quality of life of sustainable communities. This is not unique to residential developments. In fact, with any development adjacent to a watercourse enhancements should be made to the river bank which will improve biodiversity. Any development that cannot achieve this onsite will be expected to contribute to a project elsewhere.</p> <p>Should you proceed to not include contributions towards green infrastructure for any business or retail use then you must expand your biodiversity section to include reference to watercourses and the Thames RBMP. In particular, we would expect contributions to help improve the biodiversity of rivers through the removal of invasive species, planting of native species, buffer zones, river restoration and de-culverting. You should also look at reassessing the priority level of biodiversity contributions so that you are best able to meet your responsibilities under the Thames RBMP by 2027.</p>	<p>We are disappointed to see that you do not require contributions towards green infrastructure for any business or retail use. As you have acknowledged later in the document, green infrastructure, including improvements to waterways, is integral to the health and quality of life of sustainable communities. This is not unique to residential developments. In fact, with any development adjacent to a watercourse enhancements should be made to the river bank which will improve biodiversity.</p> <p>Any development that cannot achieve this onsite will be expected to contribute to a project elsewhere.</p>	<p>As above.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
Environment Agency (cont.)	<p>We support your comments that <i>'planning obligations will be sought for any development where there is a risk of flooding and infrastructure is required'</i>. However, as mentioned by my colleague Jane in her email of 21 April 2015, we also recommend including an overarching <i>"strategic flood defence projects"</i> on your regulation 123 list. This would allow us the opportunity to seek CIL funding should a unique opportunity presented itself in the future where flood defence infrastructure would benefit a larger area and contribute to the sustainable development of your borough.</p>	<p>Need to look at reassessing biodiversity contributions to meet responsibilities under Thames RBMP by 2027.</p>	<p>The Reg 123 list has now been finalised but may change in the future following further consultation. In the meantime, planning conditions and s106 agreements will be the methods used for seeking to address the issues raised by the EA.</p>
Indigo Planning - for Sainsbury's	<p>SSL operate supermarkets in Crown Road, Winchmore Hill and Highlands Village together with a number of convenience stores throughout Enfield. They are therefore keen to engage in the consultation process on the draft s106 SPD. Set out below are SSL's comments on the draft SPD.</p> <p>It is important that any planning obligation sought must be Regulation 122 compliant in that it must be:</p> <ul style="list-style-type: none"> (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. <p>The SPD states that wherever possible, development proposals should address climate change through the design of the scheme but in exceptional circumstances, where this is not possible, a S106</p>	<p>Should be more flexibility over requesting carbon fund contributions. This can often result in schemes becoming unviable.</p>	<p>Noted. As mentioned in other responses, there is an element of flexibility to negotiate any obligations due under Section 106. The carbon fund figure has been changed to £60 per tonne, in line with GLA guidance.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
Indigo Planning - for Sainsbury's (cont.)	contribution will be required. The SPD provides a prescriptive formula to calculate the contribution payable towards the Council's Carbon Fund. There should be more flexibility to agree this contribution as such a requirement can often result in schemes becoming unviable, particularly with the increase in build costs etc.		
St William Homes	<p>St William Homes are a joint venture company formed by the Berkeley Group and National Grid Property Holdings (NGPH). The joint venture business has been established to lead the regeneration of decommissioned and redundant gas holder sites across London and the South East.</p> <p>The Berkeley Group brings substantial experience of redeveloping complex regeneration sites and has the ability to deliver a significant number of new homes.</p> <p>The following representation is made on behalf of St William Homes who potentially have a number of interests in the borough, including the New Southgate Gasworks (also known as the Western Gateway - Opportunity Sites 2 and 3), which is identified within the Core Strategy as part of one of four strategic growth areas in the Borough.</p> <p>Whilst St William generally supports the approach the Council is proposing in the Revised Draft SPD, there are a number of more detailed observations which are set out below:</p>	<p>There needs to be clarity between how funding is raised and whether this is through S106 Agreements or the CIL regime.</p> <p>For example the Transport Chapter (chapter 8) of the S106 SPD needs to be updated in the context of CIL which has now passed examination stage. Para. 8.8 states "any wider cumulative transport impacts arising from development that serve to increase the demands on transport networks may be addressed through CIL via the Regulation 123 list"</p>	<p>Regarding para 8.8 a reference will be added to state that the Reg 123 list has been finalised, but may change in the future following further consultation. For now CIL funds are to be spent on road and rail provision/enhancements at Meridian Water.</p> <p>Regarding the approach to Affordable Housing, affordable housing should always be secured on site in the first instance. However, the chapter notes that off-site provision is permissible.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>St William Homes (cont.)</p>	<p>S106 and the Community Infrastructure Structure Levy</p> <p>The Draft CIL 123 List solely includes 'The Meridian Water- Rail and Causeway Infrastructure' which all CIL receipts will be channelled towards.</p> <p>The SPD should conform to the Council's Development Plan policies and align with the CIL Regs. The Council's Development Plan identifies Strategic sites (in addition to Meridian Water), which are key for housing delivery in the Borough. Some of these identified sites may need key infrastructure improvements in order for them to be 'unlocked' and become available for housing. At the same time, the CIL Regulations now limit the pooling of more than five S106 Obligations together for a single infrastructure project. On this basis, the S106 SPD process will need to ensure that the level of funds can be achieved to support infrastructure needed for identified sites, and such funds are capable of being deployed in accordance with prevailing CIL Regulations to support the growth elsewhere in the Borough, as such this point should be considered further.</p> <p>On the above basis, there needs to be clarity between how funding are raised and whether this is through S106 Agreements or the CIL regime. For example the Transport Chapter (chapter 8) of the S106 SPD needs to be updated in the context of CIL which has now passed examination stage. For example, para. 8.8 states "any wider cumulative transport impacts arising from development that serve to increase the demands on transport networks may be addressed through CIL via the Regulation 123 list.</p>	<p>The Draft CIL 123 List solely includes 'The Meridian Water- Rail and Causeway Infrastructure' which all CIL receipts will be channelled towards.</p> <p>The CIL Regulations now limit the pooling of more than five S106 Obligations together for a single infrastructure project. On this basis, the S106 SPD process will need to ensure that the level of funds can be achieved to support infrastructure needed for identified sites, and spent in line with CIL.</p>	<p>At the present time, the Council is prioritising Meridian Water for CIL receipts. 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 Regulation 122 and 123. Paragraph 8.8 has been corrected.</p> <p>Chapter 2 of the SPD outlines the relationship between S106 and CIL and sets out the purpose of the Reg 123 list. This is further detailed in Appendix 1. One of these aims is to prevent charging under both regimes, also known as double dipping /counting.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
St William Homes (cont.)	The S106 SPD should also allow for the flexibility in the delivery of affordable housing, which could include off-site provision. The S106 SPD needs to be updated taking account of CIL to confirm that there is no confusion over how financial contributions are raised and prevent double counting contributions towards specific infrastructure improvements. Ideally the S106 SPD and CIL Charging Schedule including the CIL 123 List should be updated in accordance with the Development Plan and prevailing CIL Regs prior to adoption.	Clarity is needed between the CIL & S106 regimes and should allow more flexibility in the delivery of affordable housing. The document needs to be updated taking account of CIL to ensure there is no confusion and to prevent double counting.	There is some flexibility in the approach taken towards affordable housing delivery. In-lieu payments and off-site provision are permissible, although policy requires units to be provided on-site in the first instance.
GLA	The Council will be aware that there are a number of proposed Government initiatives and changes in terms of national planning policy and legislation that may have significant implications for affordable housing delivery and negotiations on viability. These include proposals for starter homes, rent reductions in the social housing sector, and the extension of the 'right to buy' to housing association tenants. Whilst it is appreciated that it is challenging to draft such guidance when the national policy context is uncertain and rapidly changing, the Council should satisfy itself that the SPD would be sufficiently adaptable and responsive to changing circumstances and would not stall housing delivery. The borough should reassure itself that the financial contributions sought and approach to reappraisals will not constrain or delay housing delivery. More specifically, in paragraph 7.16 of the draft document, the 70% affordable housing target outlined should note that this comprises social rent and affordable rent, in line with London Plan policies 3.10 and 3.11.	LBE should reassure itself that the financial contributions sought and approach to reappraisals will not constrain or delay housing delivery. More specifically, in paragraph 7.16 of the draft document, the 70% affordable housing target outlined should note that this comprises social rent and affordable rent, in line with London Plan policies 3.10 and 3.11.	Noted. There will be a need for a general once-over looking at future proofing prior to adoption of the final document. This will be reflected in an amended Section 7

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
GLA (cont.)	<p>Transport</p> <p>In 2015 TfL responded to the then draft s106 SPD advising that for Strategic Applications reference to the Mayor's / TfL's / GLA's pre-application service should be included, and where TfL is the highway authority for the Transport for London Road Network, it should be consulted. These references are now included in the current document.</p> <p>The SPD advises that s.106 contributions will be considered on a case by case basis which is appropriate. The revised Table 8 in the new document refers to appropriate mitigation which now includes "public transport infrastructure" which addresses a concern that TfL previously expressed.</p> <p>The revised SPD paragraph 8.8 advises: <i>Any wider cumulative transport impacts arising from development that serve to increase the demands on transport networks may be addressed through CIL via the Regulation 123 list.</i></p> <p>As Enfield has just defended their unique single item Regulation 123 list the above drafting change from 'will' to 'may' be addressed through CIL is appropriate.</p> <p>The current document has been amended to advise that in Growth Areas s.106 contributions will be sought and pooled in accordance with the pooling restrictions identified in the CIL regulations. However, this appears to be somewhat muddled as paragraph 2.10 advises ... "Pooling restrictions do not apply to non-CIL items such as employment skills and training, or sustainable transport improvements such as car clubs by provision or travel plans". This</p>	As per response to TfL. TfL's submission was also repeated by the GLA under 'transport'.	<p>The Council has taken legal advice which states that employment and skills and travel plans would not constitute 'infrastructure' for the purpose of the CIL regulations. The Council assumes that this is a correct legal interpretation, until such time as case law deems otherwise .</p> <p>Section 10 has been updated to reflect GLA guidance.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
GLA (cont.)	<p>point has yet to be clarified by DCLG but It is understood that pooling restrictions do in fact apply in these circumstances and the proposed approach suggested in the SPD may well be incorrect.</p> <p>Climate Change</p> <p>As part of his Housing SPG, the Mayor will issue further guidance (prior to purdah) on how housing developments should address London Plan policy 5.2's 'zero carbon' target.</p>	As per response to NLP.	
North London Waste Authority	<p>North London Waste Authority (NLWA) is the owner of LondonWaste Ltd (LWL), which owns the Edmonton EcoPark in Enfield and operates the Energy from Waste facility and other processes there. NLWA and LWL are also in discussion with Lee Valley Heat Network Ltd to supply heat to the new network.</p> <p>The North London Heat and Power Project is NLWA's proposal to build an Energy Recovery Facility (ERF) with associated buildings and works. The new ERF will replace the existing plant at the Edmonton EcoPark by around 2025 so that we can continue to manage residual waste in north London, avoid costly landfill disposal outside of the capital and continue to turn waste into energy - heat and power. The consent we are applying for is a Development Consent Order (DCO). The Edmonton EcoPark is a strategic waste site, where the residual waste from seven north London boroughs, including LB Enfield, is treated.</p> <p>The Authority is proposing to enter into a section 106 Agreement with LB Enfield to cover any local impacts of the DCO for the North</p>	Unclear how formula will be interpreted in the case of large developments, which may risk a disproportionately large number of apprentices being recruited for the North London Heat and Power Project.	Noted. The Council would point out that the level of obligations due under S106 can be negotiated. The DCO project is unique to the borough in terms of its scale. No company would be reasonably or realistically be expected to recruit, for example, 450 apprentices if such a 'disproportionate' impact has been identified.

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>North London Waste Authority (cont.)</p>	<p>London Heat and Power Project, which are not expressly covered in the draft DCO. The consultation document has therefore been reviewed for any impact on the Authority's DCO application.</p> <p>The change in the current draft from the Section 106 SPD of 2011 is that the provision which allowed for the contribution to business and employment initiatives has moved from a "to be negotiated" for projects with a build cost in excess of £20 million, to a flat rate of "2% of total build cost, irrespective of total build cost of the scheme". However, it is unclear how this will be interpreted in the case of large developments, potentially resulting in a disproportionately large number of apprentices compared to the total number employed for large capital projects such as the North London Heat and Power Project.</p> <p>If strictly interpreted, the wording with regard to the apprentice programme, which "normally" requires one apprentice per £1 million of contract value would result in approximately 450 apprenticeships required for the North London Heat and Power Project, which would comprise a significant proportion of the work force for the construction period. Given the nature of the development and the need for specialist skills this proportion of apprenticeships is disproportionate to the overall scheme. The Authority requests that the proposed policy is amended to include a negotiation mechanism for major infrastructure projects, particularly those with high build costs. Otherwise the policy results in a disproportionate impact on these projects.</p>		

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>Canal and River Trust</p>	<p>The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding. The Trust has a range of charitable objectives including:</p> <ul style="list-style-type: none"> • To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment; • To protect and conserve objects and buildings of heritage interest; • To further the conservation, protection and improvement of the natural environment of inland waterways; and • To promote sustainable development in the vicinity of any inland waterways for the benefit of the public. <p>We work extensively with private, public and voluntary partners to conserve, enhance and improve our waterways within the Borough and nationally. We believe that our expertise and responsibility for waterspace, combined with the ownership of docks, canals and waterside properties, puts us in a unique position to facilitate redevelopment for economic, social and environmental gain. The canals and canalised rivers (as with the River Lee Navigation that runs through Enfield) in particular have historically experienced a prolonged period of decline.</p> <p>However, in recent years, the canals and navigable rivers have experienced significant development pressures from mixed use, commercial, residential, tourism/recreation and other</p>	<p>Pleased to note the comment on page 53 that improvements to waterways could be included as part of green infrastructure, open space and recreation.</p> <p>Would like to see a reference to waterways in paragraph 15.5, or 15.6 to ensure that developers are aware that contributions towards the waterway environment may be appropriate.</p>	<p>Agreed. Reference has been added in Para 15.7 on seeking contributions towards waterway improvements.</p>

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
<p>Canal and River Trust (cont.)</p>	<p>developments. Attractive waterside environments have stimulated this interest and been at the heart of some of the most significant regeneration schemes in London (and the borough), including the Queen Elizabeth Olympic Park.</p> <p>Our waterways are helping to stimulate regional, sub-regional and local economies and are being used successfully as tools in improving community well-being, urban and housing offers; attracting and generating investment; place making and shaping; as well as in delivering wider public benefit.</p> <p>They are also making an increasingly important contribution to the visitor economy and there is a growing national awareness of the added value and commercial betterment deriving from the presence of waterways in developments. The health and performance of the inland waterway network is directly linked to the quality of the neighbourhood and environment through which waterways passes. The public benefit delivered by the inland waterway network in turn is substantially dependent upon its health and performance.</p> <p>The Town and Country Planning Association’s Policy Advice Note: Inland Waterways (2009) outlines the value of the waterways to local economies and health and well-being aims, providing a comprehensive framework for assisting in the delivery of high quality public waterspaces and waterside developments, and should be referenced: http://www.tcpa.org.uk/pages/inlandwaterways. Html</p>		

Name of individual/organisation submitting comment	Comment	Summary of Response	Council comment
Canal and River Trust (cont.)	<p>With specific regard to the Section 106 SPD, we are pleased to note the comment on page 53, that improvements to waterways could be included as part of green infrastructure, open space and recreation.</p> <p>My only further comment would be that could a further reference to waterways be included in paragraph 15.5, under 'Development For Which Contributions Will Be Sought' or 15.6, just to ensure that developers are aware that contributions towards the waterway environment may be appropriate.</p>		

Table 2: Late response

Name of individual/organisation submitting comment	Response	Council comment
<p>Lee Valley Regional Park Authority</p>	<p>I attach the Authority's draft response submitted in March 2015.</p> <p>I consider that these comments are still relevant as a response to your latest SPD, particularly the sections on Green Infrastructure and Biodiversity. Your response to these comments stated that it is not the usual practice to direct payments to one organisation. – this may not be a direct quote.</p> <p>I accept this. However my comments clearly refer to the Regional Park and not the Park Authority. This is an important distinction given that the Authority own only 40% of the Regional Park and investment delivered through planning obligations can benefit the whole Park as an important piece of green infrastructure and not just the Authority's estate.</p> <p>The Authority would welcome a specific reference to the Regional Park as a potential recipient of planning obligations for open space, biodiversity and community facilities including sports facilities at Picketts Lock (sections 15, 16 and 18); this would be consistent with the draft policies contained in the two Action Area Plans for this part of the borough which include aspects of the Authority's adopted proposals for this part of the Regional Park.</p>	<p>This response was received five days late and has been recorded separately. As this is a resubmission, the Council's previous response to these comments was reported to Committee on 14/12/2015, and was also published in the Statement of Representations:</p> <p><i>'Where development may impact on a neighbouring borough, such occurrences will be considered on a site by site basis. Also the schedule in Chapter 4 makes provision for industrial floorspace contributions'. This response would still apply.</i></p> <p>Moreover, the approach taken by the S106 SPD is consistent with the approach of the Area Action Plans. As the North East of Enfield borders the Lee Valley Regional Park and the LVRPA's area, regular references to both the Regional Park and the LVRPA would be expected in, and are more appropriate for, e.g. the North East Enfield Area Action Plan (NEEAAP) as the bulk of text within an AAP is contextual.</p> <p>The Council will reiterate that it cannot give preference to external organisations or any facilities which they own in whole, or part within the S106 SPD. None of the other LPAs which share a boundary with Enfield are named in the SPD while the neighbouring authorities in Essex, Hertfordshire and London also have the same legal LPA status as the LVRPA. We also do not mention other facilities in neighbouring boroughs.</p>

Name of individual/organisation submitting comment	Response	Council comment
Lee Valley Regional Park Authority (cont.)	The detail of the schedule included in section 4 excludes industrial floorspace from any requirement for contributions under Section 106. This would deprive the Authority of the potential for contributions given that large areas of the Brimsdown industrial estate lie adjacent to the Park and one area actually lies within the statutory boundary.	

Appendix 1: Publicity for March 2015 consultation version

a) Public Notice in Enfield Advertiser

**The Town and Country Planning (Local
Planning) (England) Regulations 2012 and
Community Infrastructure Levy
Regulations 2010 (As Amended)
NOTICE OF PUBLIC CONSULTATION ON
THE COUNCIL'S
REVISED DRAFT SECTION 106
SUPPLEMENTARY PLANNING
DOCUMENT
AND
COMMUNITY INFRASTRUCTURE LEVY
DRAFT REGULATION 123 LIST**

Enfield Council has published its Community Infrastructure Levy (CIL) Draft Regulation 123 Infrastructure List and Revised Draft Section 106 Supplementary Planning Document (SPD) for a six week consultation period from 12th March 2015 to 23rd April 2015.

CIL is the charge that local authorities can apply to new development in their area. The money collected from CIL can be pooled to help fund essential infrastructure needed to support planned growth in the Borough such as transport improvements. The proposed list of infrastructure funded from CIL is detailed in the Draft Regulation 123 List. The Revised Draft Section 106 SPD sets out the type of infrastructure that will continue to be funded from Section 106 agreements.

The Council will use Section 106 and CIL in tandem in the future, and to ensure that developers are not charged twice (under both CIL and Section 106) for the same item of infrastructure, the Council has produced two key documents for consultation.

The CIL Draft Regulation 123 List and Revised Draft Section 106 SPD are available to view online at the Council's website using the following links: www.enfield.gov.uk/cil and www.enfield.gov.uk/s106spd

Copies of these documents can also be viewed at the following locations:

- Enfield Civic Centre, Silver Street, Enfield (Mon to Fri, 9am-5pm)
- All libraries in the Borough of Enfield during normal opening hours

How to comment:

Comments on the CIL Draft Regulation 123 List and Revised Draft Section 106 SPD must be made in writing and sent;

By post to:

Strategic Planning and Design
Regeneration and Environment
Enfield Council
FREEPOST NW5036
EN1 3BR

By email to localplan@enfield.gov.uk

We look forward to hearing from you. Please send your comments to us by 5pm on Thursday 23rd April 2015.

For further information please contact localplan@enfield.gov.uk or call us on 020 8379 3866

www.enfield.gov.uk



b) Template letter to consultees



Please reply Joanne Woodward

E-mail : localplan@enfield.gov.uk
Telephone : 020 8379 3866
My Ref : Draft Revised S106 &
Draft CIL Reg 123
Consultation
Your Ref :
Date : 12th March 2015

Dear Consultee,

Re: Consultation Draft Community Infrastructure Levy Regulation 123 Infrastructure List and Revised Draft Section 106 Supplementary Planning Document.

As you may be aware the Council has recently finished consultation on its Draft Community Infrastructure Levy (CIL) Charging Schedule.

CIL is the charge that local authorities can apply to new development in their area. The money collected from CIL can be pooled to help fund essential infrastructure needed to support planned growth in the Borough such as transport improvements. In contrast, planning contributions secured via Section 106 agreements are intended to make development 'acceptable' that would otherwise be unacceptable in planning terms.

The Council will need to use Section 106 and CIL in tandem in the future, and to ensure that developers are not charged twice (under both CIL and Section 106) for the same item of infrastructure, the Council has produced two key documents for consultation.

Draft Community Infrastructure Levy Regulation 123 Infrastructure List.

What is the Regulation 123 List?

All projects to be funded (in whole or part) by CIL monies collected are contained in the Draft Regulation 123 List.

Ian Davis
Director – Regeneration & Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY



Website: www.enfield.gov.uk

For help with this document, please contact the above officer who will be able to assist in line with our accessible information policy

Revised Draft Section 106 Supplementary Planning Document (SPD)

The Revised Draft Section 106 SPD sets out the Council's approach for securing planning contributions from developers from new developments that require planning permission.

The Draft Section 106 SPD has been updated to take account of changes to Government policy and legislation since the current SPD was adopted in 2011 and reflects progress on the introduction of the Council's CIL, which is proposed to be adopted later this year.

The Council is inviting comments on these documents over a 6 week period from 12th March to 5pm on 23rd April 2015.

The Revised Draft Section 106 SPD and CIL Draft Regulation 123 List are available to view online at the Council's website using the following links www.enfield.gov.uk/cil and www.enfield.gov.uk/s106spd.

Copies of these documents can also be viewed at the following locations:

- Enfield Civic Centre, Silver Street, Enfield (Mon to Fri, 9am-5pm)
- All libraries in the Borough of Enfield during normal opening hours

How to comment:

Comments on the Revised Draft Section 106 SPD and Draft Regulation 123 List must be made in writing and sent;

By post to: Strategic Planning and Design
Regeneration and Environment
Enfield Council
FREEPOST NW5036
EN1 3BR

By email to localplan@enfield.gov.uk

We look forward to hearing from you. Please send your comments to us by **5pm on Thursday 23rd April 2015**. For further information please contact localplan@enfield.gov.uk or call us on 020 8379 3866

Yours faithfully,

Joanne Woodward
Head of Strategic Planning and Design

c) Statement of Representations Procedure

STATEMENT OF REPRESENTATION PROCEDURE

**Community Infrastructure Levy Draft Regulation 123 Infrastructure List
and
Revised Draft Section 106 Supplementary Planning Document**

The Council is seeking your views on two key documents, the Community Infrastructure Levy (CIL) Draft Regulation 123 Infrastructure List and the Revised Draft Section 106 Supplementary Planning Document (SPD). Consultation commences on **12th March 2015 and finishes at 5pm on 23rd April 2015.**

What is the CIL Draft Regulation 123 List?

The CIL Draft Regulation 123 List identifies the infrastructure projects which the Council intends to fund, in whole or part from CIL monies collected.

What is the Revised Draft Section 106 SPD?

The Revised Draft Section 106 SPD sets out the Council's approach for securing planning contributions from developers from new developments that require planning permission.

The Revised Draft Section 106 SPD and Draft Regulation 123 List are available to view:

- Online at the Council's website using the following links www.enfield.gov.uk/s106spd and www.enfield.gov.uk/cil
- At Enfield Civic Centre main reception, Silver Street, Enfield EN1 3XA, and
- At all libraries in the borough.

How to Comment

Representations on the CIL Draft Regulation 123 List and the Revised Draft Section 106 SPD must be made in writing and sent to the following address:

Strategic Planning and Design,
Regeneration & Environment Department,
Enfield Council,
FREEPOST NW5036,
EN1 3BR,

Or e-mail: localplan@enfield.gov.uk.

All comments must be received by 5pm on 23rd April 2015

For further information please contact the Local Plan Team on 0208 379 3866

Appendix 2: Publicity for January 2016 consultation

- a) Leaflet available at Local Plan consultation events

Section 106 Supplementary Planning Document

The Council will be consulting on its Revised Draft Section 106 Supplementary Planning Document from 12 January to 23 February 2016.

What is a Supplementary Planning Document?

A Supplementary Planning Document (SPD) gives additional guidance on Local Plan policies, where this is needed. The content of an SPD is a material consideration for Council officers when planning applications are being assessed.

The Revised Draft Section 106 SPD

The Revised Draft Section 106 SPD sets out the Council's approach for securing planning contributions from developers from new developments that require planning permission. Section 106 Agreements are legally binding. They are typically used to secure affordable housing and to secure financial contributions for providing mitigation measures, e.g. improvements to local parks, community facilities, money towards new school places, or transport improvements which will not be funded through other means.

Why the S106 SPD needs to be updated

The Section 106 SPD sets out the Council's approach to securing contributions from developers and provides advice on when and where contributions will be sought. Since the previous consultation draft was prepared in March 2015, Government policy and guidance affecting the use of Section 106 Agreements has changed. As a consequence the Council has prepared a revised SPD document.



www.enfield.gov.uk/s106



How can I comment on the document?

To access the full consultation document please visit www.enfield.gov.uk/s106

Comments must be made in writing and sent by email to: localplan@enfield.gov.uk

Or you can write to us at Strategic Planning and Design, Regeneration and Environment, Enfield Council, FREEPOST NW5036 EN1 3BR.

Hard copies of the document can also be viewed at Enfield Civic Centre, Silver Street, EN1 3XA and at all Borough libraries during normal opening hours.

Please note that the consultation period closes at 5pm on 23 February 2016.

Next Steps

All comments received will be considered in finalising the SPD.

Once adopted the SPD will replace the Section 106 SPD adopted in November 2011 and will apply alongside the Council's Community Infrastructure Levy.

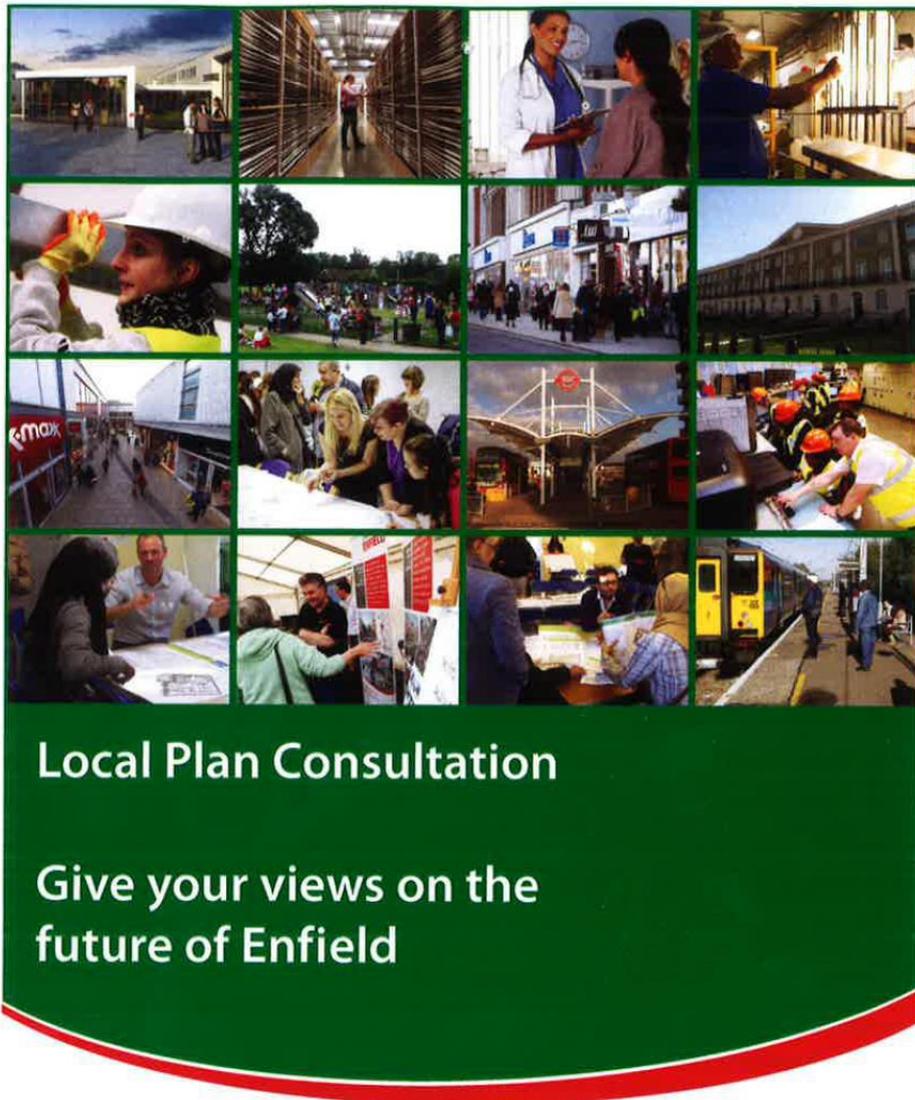
If you would like more information, please call the Planning Policy team on 020 8379 3866.



www.enfield.gov.uk/s106



b) Local Plan consultation event leaflet (the SPD leaflet was available at the events of 28 January, 30 January and 2 February only)



Local Plan Consultation

Give your views on the
future of Enfield

www.enfield.gov.uk/newlocalplan



Local Plan Consultation

Give your views on the future of Enfield

It is predicted that Enfield's population could exceed 400,000 by 2032. We want your thoughts on how Enfield's growth might take shape. We wish to hear what you think of the future challenges for housing, education, retail, employment and local facilities and options for growth.

Your comments will help us deliver a Plan for the future of Enfield.

We are holding a number of events so you can find out more and tell us what you think. These are taking place at:

Thurs 14 Jan 2016 11am – 3pm	Palmers Green Library, Broomfield Lane, London N13 4EY
Thurs 21 Jan 2016 11am – 3pm	Edmonton Green Library, 36-44 S Mall, Edmonton N9 0TN
Thurs 28 Jan 2016 11am – 3pm	Ordnance Unity Centre, 645 Hertford Rd, Enfield EN3 6ND
Sat 30 Jan 2016 2pm - 4pm	Enfield Town Dugdale Centre, 39 London Road, Enfield EN2 6DS
Tues 2 Feb 2016 5.30pm - 7.30pm	Palmers Green Library, Broomfield Lane, London N13 4EY

You can find further information at
www.enfield.gov.uk/newlocalplan or by emailing
localplan@enfield.gov.uk or calling 020 8379 3866



The closing date for responses is **12th February 2016**

c) Example copy of letter to members



Please reply to: Planning Policy Team

Phone : (020) 8379 3866

E-mail : localplan@enfield.gov.uk

My Ref :

Your Ref :

Date : 12 January 2016

Dear Joan Ryan MP

Consultation on Enfield Council's Revised Draft Section 106 Supplementary Planning Document

I am writing to inform you that the Council has now published the Revised Draft Section 106 Supplementary Planning Document for a six week public consultation from Tuesday 12 January to Tuesday 23 February 2016.

In March 2015, Enfield Council sought views on a Draft Revised Section 106 Supplementary Planning Document (SPD).

The Revised Draft Section 106 SPD sets out the Council's approach for securing planning contributions from developers from new developments that require planning permission. The document will apply alongside the Council's Community Infrastructure Levy (CIL) and replace the existing Section 106 SPD which was adopted by the Council in November 2011.

Since the March 2015 draft SPD was consulted upon, Government guidance affecting the use of Section 106 Agreements has changed. In response to these changes, the Council has prepared a Revised Draft SPD for consultation. Other key changes include clarifying the Council's approach to delivering apprenticeships, addressing Section 106 matters raised at the Examination of the Council's CIL, and addressing the representations received on the March 2015 draft SPD.

The Revised Draft Section 106 Supplementary Planning Document is available to view online at the Council's website <http://www.enfield.gov.uk/S106>.

Copies of the SPD can also be viewed at the following locations:

- Enfield Civic Centre (Main Reception) Silver Street, Enfield EN1 3XA (Mon to Fri, 9am – 5pm)

Ian Davis
Director of Regeneration
and Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY



Website: www.enfield.gov.uk

? If you need this document in another language or format call Customer Services on 020 8379 1000, or email enfield.council@enfield.gov.uk

- All libraries in the Borough of Enfield during normal opening hours.

How to comment:

All comments to the Revised Draft S106 SPD should be made in writing and sent:

- By email to: localplan@enfield.gov.uk
- By post to: Strategic Planning & Design, Regeneration & Environment, Enfield Council, Freepost NW5036, EN1 3BR.

We look forward to hearing from you: please send your comments to us by 5pm on Tuesday 23rd February 2016. For further information please contact localplan@enfield.gov.uk or call us on 020 8379 3866.

Yours sincerely,



Joanne Woodward
Head of Strategic Planning & Design

IMPORTANT – Register for an Enfield Connected account today, it will make it easier for you to access services online – www.enfield.gov.uk/connected
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d) Example of general consultee letter



Please reply to: Planning Policy Team

Phone : (020) 8379 3866

E-mail : localplan@enfield.gov.uk

My Ref :

Your Ref :

Date : 12 January 2016

Dear Consultee,

Consultation on Enfield Council's Revised Draft Section 106 Supplementary Planning Document

I am writing to inform you that the Council has now published the Revised Draft Section 106 Supplementary Planning Document for a six week public consultation from Tuesday 12 January to Tuesday 23 February 2016.

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Ian Davis
Director of Regeneration
and Environment
Enfield Council
Civic Centre, Silver Street
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We look forward to hearing from you: please send your comments to us by 5pm on Tuesday 23rd February 2016. For further information please contact localplan@enfield.gov.uk or call us on 020 8379 3866.

Yours faithfully,

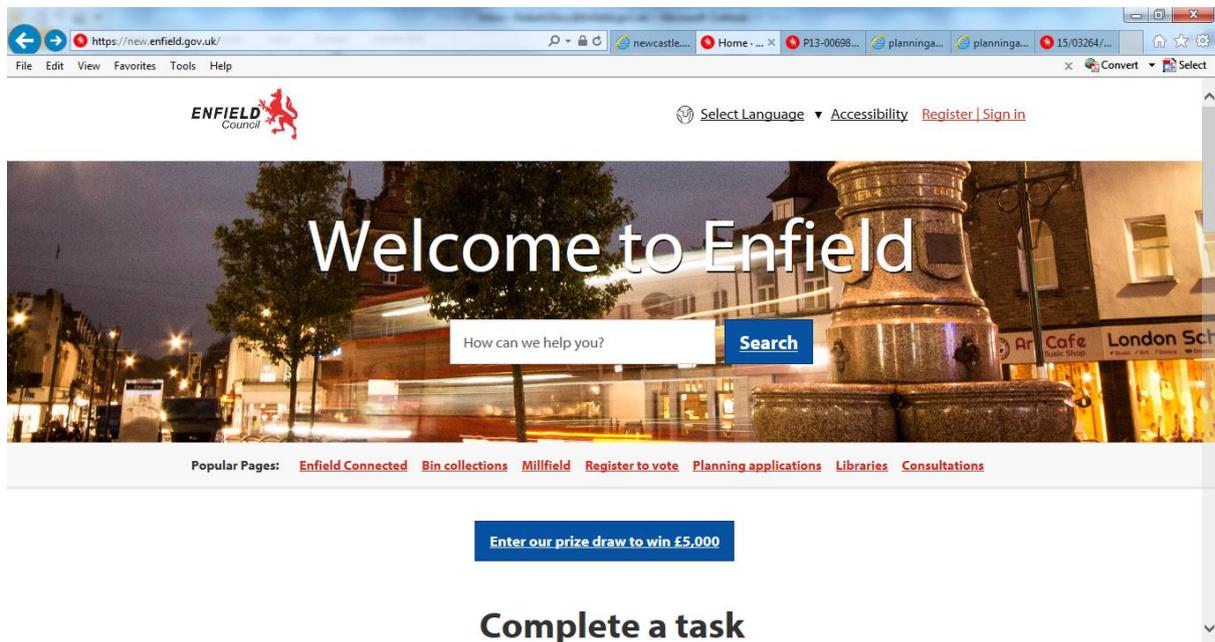


Joanne Woodward
Head of Strategic Planning & Design

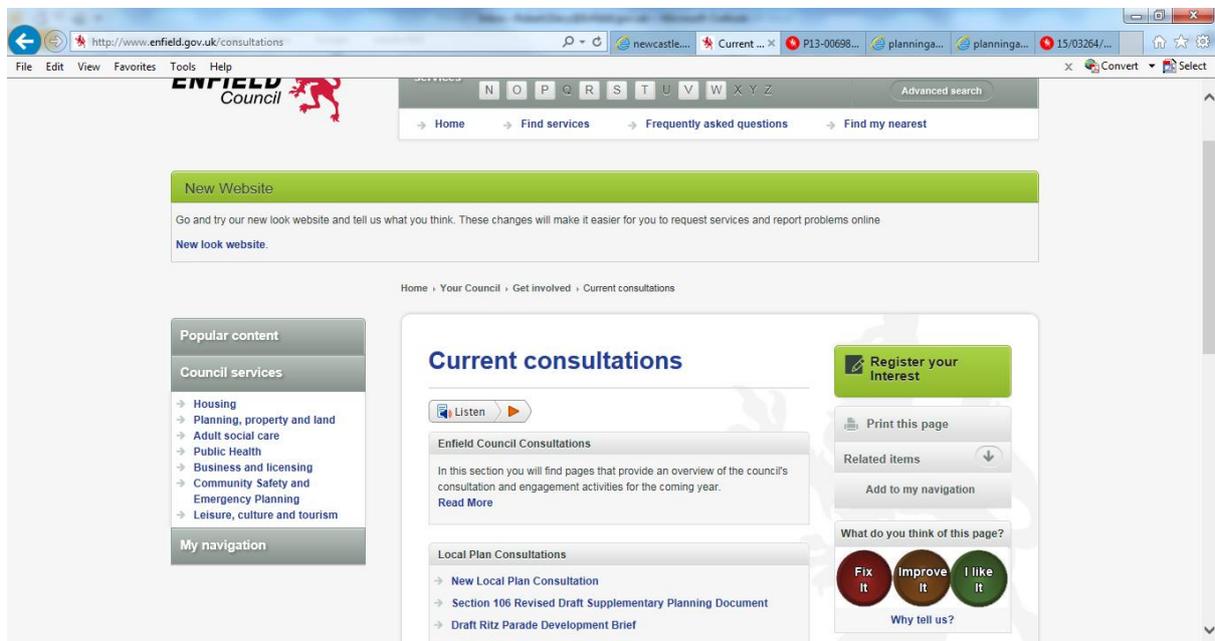
IMPORTANT – Register for an Enfield Connected account today, it will make it easier for you to access services online – www.enfield.gov.uk/connected
--

f) Screen shots of Council website

i) Home page



ii) Accessible via 'Consultations' tab



g) Specific consultee bodies

List of Statutory Consultees

- Natural England
- The Environment Agency
- Highways England
- Historic England
- Natural England
- Local clinical commissioning groups and the National Health Service Commissioning Board
- Network Rail Infrastructure Limited
- Homes and Communities Agency
- Relevant Electricity Undertakers
- Relevant Gas Companies
- Relevant Sewerage Undertakers
- Relevant Telecommunications Companies
- Relevant Water Undertakers
- British Waterways Board
- The Coal Authority
- Marine Management Organisation

Government Departments

- Department for Environment, Food and Rural Affairs
- Department for Transport
- Department of Health (through relevant Regional Public Health Group)
- Department of Trade and Industry
- Ministry of Defence
- Department of Work and Pensions
- Department for Culture, Media and Sport

Neighbouring local authorities and other bodies

- Hertsmere Borough Council
- Welwyn Hatfield Borough Council
- Epping Forest District Council
- Broxbourne Borough Council
- London Borough of Barnet
- London Borough of Haringey
- London Borough of Waltham Forest
- Hertfordshire County Council
- Essex County Council
- Greater London Authority (GLA)
- Transport for London

This document has been produced by Enfield Council
For further details please contact:

Strategic Planning and Design
Regeneration and Environment
Enfield Council

Civic Centre
Silver Street
Enfield
EN1 3XA

Tel: 020 8379 3866

Email: localplan@enfield.gov.uk

