

Enfield Council Community Infrastructure Levy (CIL)

DRAFT STATEMENT REGARDING DISCRETIONARY SOCIAL HOUSING RELIEF

The policy takes effect on *(to be determined following consultation)*

This statement applies only to Enfield CIL and does not apply to Mayor of London's CIL.

Enfield Council gives notice that discretionary social housing relief is available in its area (London Borough of Enfield) under Regulations 49A and 49B of the Community Infrastructure Regulations 2010 (as amended).

Under Regulation 49A, of the CIL Regulations 2010 (as amended) discretionary social housing relief applies to a chargeable development where the policy is available within the charging authority's area, and the development comprises of one of more 'qualifying' dwellings.

A dwelling is deemed to be 'qualifying' for this policy if these requirements are satisfied as set out below.

1. For the purposes of discretionary social housing relief, a qualifying dwelling at the time of sale must not be sold for more than 80% of its market value.
2. The Council has set out how eligible housing is allocated in its area under its Intermediate Housing Policy (July 2020) as required under regulation 49B (1)(A)(iii). This policy sets clear guidelines for the marketing of intermediate products to ensure that those who need the product most in the borough are able to express an interest first:
 - (i) Intermediate housing will be marketed in the following order, by band unless an alternative marketing strategy is agreed with the Council within the S106 agreement:

	Time Period	Criteria
Band 1	Pre-completion and 3months post - completion	Those living or working in Enfield with a minimum annual income of £18,100 for 1 and 2 bed properties and £60,000 for larger properties.
Band 2	Up to 6 months post completion	Those living or working in London with a maximum annual income of £60,000 or £90,000 for non-rented intermediate.
Band 3	From 6 months post completion	Those living or working in London with a maximum annual income of £90,000.

- (ii) The Council will therefore require developers and housing providers to deliver new intermediate homes at price points that ensure that households on incomes as set out above face housing costs, including mortgage costs, rent charged and service charges, that do not exceed 40% of their net household income. The Council will also require developers to take account of incomes on a borough-wide basis but also at a ward-specific level.
 - (iii) For the first three months of marketing, in instances where there are multiple customers looking to purchase or rent a home, we will expect providers to allocate intermediate housing units in accordance with the priority cascade. We expect providers to inform

Enfield Council when the marketing of properties commences and agree to provide a marketing plan within the S106 agreement.

3. In accordance with regulation 49A(2)(c)(i), a planning obligation will be required to enter into prior to the first sale of the dwelling to ensure any subsequent sale of the dwelling is for no more than 80% of its market value, in line with the first sale of the qualifying dwelling.

Claiming CIL relief

Claimants are advised to refer to the Community Infrastructure Levy Regulations 2010 (as amended) to check a developments eligibility for relief prior to commencement of development. Please see www.planningportal.co.uk for CIL forms.

Monitoring and enforcement

The liability to pay CIL remains with the person granted discretionary social housing relief.

There may be instances where the development ceases to be eligible for discretionary social housing relief.

If a disqualifying event takes place, then clawback provisions may apply as per CIL regulations 2010 (as amended).

There will be further section 106 enforcement provisions on subsequent sales.

Further information on CIL is available on the Councils website at:
<https://www.enfield.gov.uk/services/planning/planning-obligations#planning-obligations-cil-and-s106>