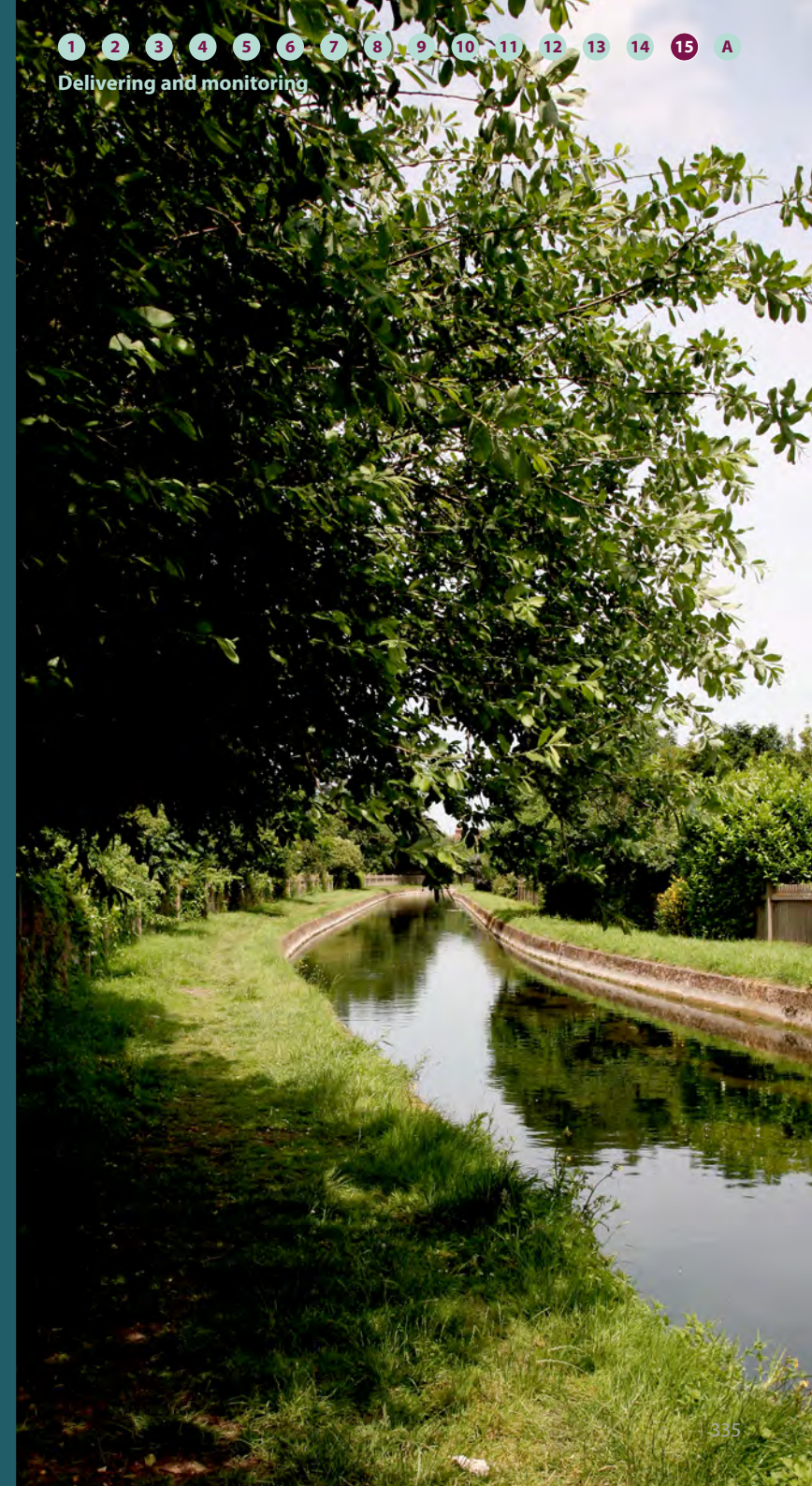


# 15 Delivering and Monitoring

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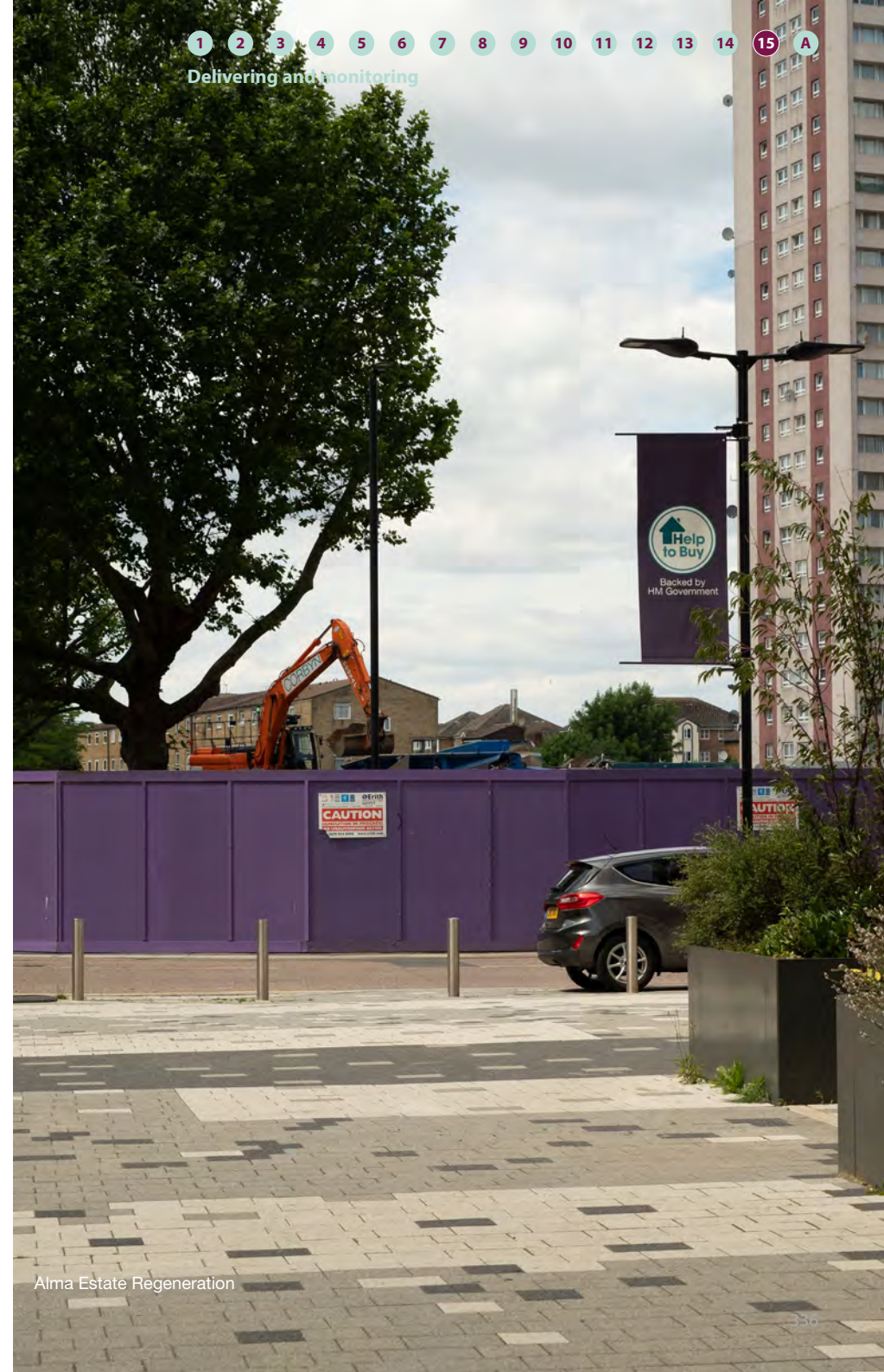


# INTRODUCTION

15.1 This chapter provides an overview of strategies and mechanisms for implementing the ELP to ensure that the development that is set out in this ELP is delivered. This chapter highlights the powers that Enfield has as Local Planning Authority to help deliver development and the Council's wider corporate objectives. As a local planning authority determining planning applications, the Council will determine applications in accordance with policy set out in this ELP unless material considerations indicate otherwise. Supplementary Planning Documents/ Plans and other relevant guidance, such as Opportunity Area Planning Frameworks and relevant guidance from the Mayor of London or any successor documents for further guidance will be used to assess planning applications. The Council will make use of various tools, such as planning performance agreements, design reviews and sustainability checklists, to improve the quality and the design of new development.

15.2 In addition, this section outlines the use of special legislative tools such as article 4 directions and highway orders, designed to protect the character and appearance of the Borough's built and natural environment. This section also explains the Council's strategies, including:

- allocating funds generated from development to contribute to the provision of supporting infrastructure and services aimed at mitigating the effects of new development;
- facilitating the timely delivery of sites and associated infrastructure in a well-coordinated manner, including appropriate phasing, masterplanning, and implementation;
- maximising the supply of new housing, services and employment opportunities in line with the spatial strategy set out in chapter 2; and
- establishing a monitoring framework to oversee the implementation of the policies set out in this plan and outlining the triggers that will instigate a review of the ELP.



## STRATEGIC POLICY

# D1 : SECURING CONTRIBUTIONS TO MITIGATE THE IMPACT OF DEVELOPMENT

1. Where appropriate, new development proposals are required to:
  - a. pay contributions through the Enfield Community Infrastructure Levy (CIL), based on the prevailing rates set out in the latest charging schedule. These contributions will be directed to support the delivery of the Borough’s infrastructure, based on the spending priorities set out in the Infrastructure Delivery Plan (IDP);
  - b. pay additional contributions through the Mayor of London’s Community Infrastructure Levy (MCIL) to fund strategically important transport infrastructure, including but not limited to Crossrail and other strategic infrastructure;
  - c. pay any contributions required under the proposed infrastructure levy and
  - d. for site specific requirements, enter into planning obligations, where compliant with CIL regulation 122 (or any future regulatory standard) ensuring that such obligations are:
    - necessary to make the development acceptable in planning terms;

- directly related to the development; and
- fairly and reasonably related in terms of its scale and kind to the development.

Following the assessment of need as set out in the Infrastructure Delivery Plan and subject to viability, priorities of such contributions are as follows:

**Figure 15.1:** Infrastructure priorities

<b>Key priority</b>	Affordable housing and specialised housing needed to meet acute housing need.
<b>Other priorities</b>	<p>Tackling climate change;</p> <p>Parks and open spaces (in particular Registered Parks and Gardens; access to the countryside and Greenways)</p> <p>Air quality</p> <p>Biodiversity net gain</p> <p>School and childcare places, and other essential community facilities;</p> <p>Public transport, active travel, safety improvements and residual highway improvements to maintain and create healthy streets;</p> <p>Health facilities and services;</p> <p>Training, skills and job brokerage;</p> <p>Cultural facilities;</p> <p>heritage at risk; and</p> <p>Other site-specific mitigation (e.g. sustainable drainage systems).</p>



2. Development will be required to meet all of the relevant policies and infrastructure requirements set out in the Local Plan in a timely fashion, unless it can be clearly demonstrated that S106 contributions would result in rendering the development unviable. In such instances, all available options including flexible trigger points or phased payment of contributions will be thoroughly explored to address the viability gap.
3. Development will be expected to provide or deliver on-site infrastructure provisions to meet the demands it generates. In cases, where this is evidenced as not possible, often due to viability concerns or limitations in land availability c, contributions will be sought to support off-site infrastructure provision.
4. Where appropriate, mechanisms for review will be put in place to defer or amend planning contributions, including in-kind provisions, at agreed trigger points, in the event that market conditions improve over the lifetime of the development or if sales values are higher than anticipated, especially in the context of multi-phased sites.
5. Planning applications will be refused in situations where nil or reduced contributions would render the development unacceptable in planning terms, even after considering alternative funding sources. This includes where planning obligations are not concluded in a timely manner usually within three years from resolution to grant consent.



Meridian Water station

## EXPLANATION

- 15.3 This policy seeks to secure planning obligations including contributions from new development, which will help fund improvements to infrastructure and service provision as well as maximise the benefits and opportunities arising from Enfield's growth, while mitigating the impacts associated with development or compensating for its potential effects to make them acceptable in planning terms. These developer obligations and contributions are necessary where existing and planned provision of infrastructure, facilities and services are inadequate to meet the needs generated by a proposal to ensure that sufficient infrastructure and key services are provided in a timely and efficient manner to meet the needs arising from new development and to ensure development is 'acceptable' in planning terms by mitigation against the impacts associated with development proposals.
- 15.4 Planning obligations will only be sought where it is not possible to deal with the matter through the imposition of a condition attached to a planning permission.

- 15.5 In Enfield, there are two main types of contribution: the Community Infrastructure Levy (CIL) and planning obligations. The levy applies a standard charge to most new developments, specified in the charging schedule and will be used to fund infrastructure needed to support the future growth of the Borough. Planning obligations are used to address the impacts of development during the planning application process.
- 15.6 The majority of the funding generated from developer contributions will be used to fund the delivery of projects identified through the Infrastructure Delivery Plan (IDP). Each year, we will publish an Infrastructure Funding Statement (IFS) setting out how much CIL and S106 income has been collected, how it has been spent and future spending priorities in line with the IDP.
- 15.7 The Borough will update the Developer Contributions Supplementary Planning Document (SPD) to provide detailed guidance on how this policy should be implemented. Where appropriate, we will pool contributions from planning obligations and CIL to facilitate the delivery of necessary infrastructure, alongside other sources of funding.

- 15.8 This policy also aims to maximise contributions from development towards the delivery of affordable housing and infrastructure, based on the policy thresholds set out in this plan. Developers will be expected to assess the quality and capacity of existing infrastructure in partnership with relevant providers and service delivery stakeholders and contribute towards the timely provision of improvements and/or additional capacity to meet the demands arising from new development. Appendix E of the ELP sets out the thresholds to calculate planning obligations through new development, in line with the priorities set out above.







15.9 NPPF highlights that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment. In exceptional cases, a shortfall of contributions towards the provision of infrastructure or affordable housing may be justified on viability grounds, such as significant changes in land and property values since the adoption of the ELP. In such circumstances, applicants will need to provide clear and robust evidence through a detailed financial viability appraisal from suitably-qualified experts (as identified in our preferred list of consultants) justifying any deviation from the policies set out in this plan. The viability appraisal must also be independently tested at the applicant's expense<sup>82</sup>.

15.10 Viability assessments will be tested on a case-by-case basis and will need to demonstrate that:

- the policy requirements set out in the ELP such as on-site affordable housing would render the development unviable due to unforeseen circumstances;
- the wider benefits of the scheme would outweigh the loss of contributions; and

- the potential opportunities for deferring, reducing or phasing contributions have been fully explored.

15.11 The Council's strategy is to optimise the use of existing infrastructure to reduce demand and to seek new infrastructure where required. The loss of existing facilities will be resisted, and land will be safeguarded for the provision of future infrastructure requirements, where necessary. A coordinated approach to infrastructure management and investment through partnership working with key infrastructure providers will be required. In cases where a departure from the policy requirements set out in the plan can be justified on viability grounds, an appropriate review mechanism (i.e. a reappraisal of financial viability) will be incorporated within the Section 106 agreement to capture any uplift in the value of the land that occurs between the granting of planning permission and the completion of the development. Further details on the S106 review process will be provided in the Developer Contributions SPD.

<sup>82</sup> Financial viability appraisals will also be made publicly available on Enfield's planning register (without redaction) along with the other documents supporting the planning application.

## Spatial Planning

- 15.12 Spatial planning extends beyond the scope of land use planning. Its overarching goal is to create sustainable communities by ensuring development policies are integrated with other policies and programmes that shape the nature and function of places. The pivotal role of infrastructure provision is therefore central to support the spatial vision and spatial strategy articulated in this plan.
- 15.13 Spatial planning is not limited to the activities of the Council. Fundamental to the delivery of the spatial strategy is the Council's ability to work with partners to deliver the spatial vision, with a particular emphasis on securing infrastructure delivery.
- 15.14 The Infrastructure Delivery Plan (IDP) that supports the ELP defines the categories of infrastructure as social and community amenities; health services, community and public services, highways and transport networks, utilities, and enhancements to open spaces and the environment, identifying them as crucial, essential or desirable. The IDP provides detailed schedules and a strategic view of the necessary infrastructure needed for supporting the implementation of the ELP. It also sets out the current capacity of existing infrastructure, the impacts of

development on that infrastructure, and the likely sources of funding available to meet future needs. The IDP remains as a living document, subject to updates as new information becomes available to inform the delivery of infrastructure projects.

## Changes to the Contributions System

- 15.15 The Council has already implemented the Community Infrastructure Levy (CIL) since 1 April 2016 and the IDP is the evidence base for a potential review of the CIL. This review will ensure that all new developments make contributions towards the provision of new infrastructure.
- 15.16 New legislation will replace CIL with a new Infrastructure Levy (IL), prompting a period of transition. The policy framework and levy rates will undergo a review in response to further information on how the new system will operate. Nonetheless, the policy framework in this plan has been written to minimise disruptions during this transition. It anticipates that planning obligations will continue to play a significant role under the new approach, particularly for large developments and specific pieces of infrastructure, as permitted by this plan. Currently only Meridian Water is nil rated. However, this will need to be reviewed if new strategic sites are brought forward in the new ELP.

## Enforcement

- 15.17 The Council aims to ensure that development complies with appropriate national and local planning policy and guidance through effective enforcement. In cases where it is expedient and necessary, the Council will use its powers to take planning enforcement action to ensure that unacceptable development built without the requisite planning permissions, or in breach of planning conditions attached to a planning permission or other necessary consents, do not compromise the delivery of the objectives set out in this ELP. The Council has a proactive enforcement team that carries out a large number of investigations each year and takes legal action to ensure compliance with planning legislation as necessary. Additionally, the Council will apply conditions and secure planning obligations when granting planning permissions. These measures are taken to ensure that development is consistent with the policies set out in this plan, as well as the relevant national policies and legislation.

## DEVELOPMENT MANAGEMENT POLICY

### D2: MASTERPLANS AND DESIGN CODES TO ACHIEVE COMPREHENSIVE DEVELOPMENT

1. Proposals must be accompanied by a masterplan, which includes any relevant design code, if they form to an entire site allocation. The preference is for whole site masterplans. If whole site masterplans are not feasible or viable, the proposal should include evidence justifying the scope of the masterplan and should demonstrate consultation efforts made with stakeholders controlling other parts of the allocated site.
2. In cases where masterplanning only applies to a portion of the site, it must also demonstrate that the proposal will not prejudice future development of other parts of the site or adjoining land. It should not compromise the overall delivery of the entire site allocation and benefits sought for the wider area.
3. The site masterplan will be expected to set out how development will contribute to realising the local plan's vision and aligning to planning policies SS1 and SS2 as set out in Chapter 2
4. The site masterplan must be submitted when the principle of the development is established. When an outline planning application is submitted, it should ideally be accompanied by a full planning application for the first phase of the development. The masterplan will be required to comprise of:
  - a. justification for masterplan's scope (as outlined in point 1 above);
  - b. an assessment of the site and its context to guide the overall development strategy;
  - c. a schematic site-wide masterplan that responds positively to the local plan's spatial strategy for the Borough, site specific development principles and guidelines, landscape considerations, and other relevant planning policies; and
  - d. a delivery strategy that identifies how the development will be implemented and managed over its lifetime. This includes land assembly and preparation, infrastructure requirements, development phasing and any necessary planning obligations or planning conditions. In cases where a masterplan is under multiple ownership or to be implemented by multiple developers, a planning application should be accompanied by a master developer agreement demonstrating how the masterplan will be implemented.
5. Applicants must demonstrate their appropriate engagement and consultation with the local community, relevant stakeholders, and those controlling other parts of the allocated site throughout the masterplanning and design coding process.
6. Outline schemes with multiple sites should be accompanied by design codes, following the principles of the National Model Design Code. These design codes should illustrate how good design and the principles of the masterplan will be achieved.



## EXPLANATION

15.18 The majority of site allocations are relatively large brownfield sites, therefore introducing complexity in terms of their redevelopment. These complexities may include situations such as multiple land ownership, fragmentation of existing uses and space, land remediation and need for new or upgraded infrastructure. We consider that these challenges are more likely to be overcome, and the optimal use of sites realised, where development follows a comprehensive approach, guided by a site-wide masterplan. In situations where a comprehensive approach is not achievable, evidence in the form of a statement that outlines any consultation undertaken with parties controlling other parts of the allocated site, and the outcomes reached, will be required.

15.19 To help ensure certainty of development outcomes, masterplans must be submitted when the principle of the development is established. In cases where schemes are subject to Environmental Impact Assessment (EIA), this should include parameter plans establishing the key parameters such as height, layout and open space. The masterplan should be informed by a baseline assessment of the site and its surroundings, drawing on the latest

available evidence. This may include demographic data, economic and social indicators, or information on the historical, natural and built environment. The site-wide masterplan itself should establish the overall approach to the function and form of development.

15.20 The level of detail included in the masterplan should be proportionate to the nature and scale of development proposed, as well as site specific requirements. Depending on individual circumstances at hand, various matters may need be addressed within the masterplan process. These matters include, but are not limited to:

- historical and cultural context;
- the types of land uses, the quantum of development and its distribution;
- building heights and massing;
- building typologies and identities;
- layout and design;
- matters relating to access, circulation and parking;
- open space and landscaping; and
- infrastructure considerations including transport networks, and community facilities.

15.21 The fundamental objective of the masterplan process is to ensure effective communication and collaboration between landowners and developers. This process also serves to raise awareness of the planning objectives for the site and the wider area among all parties involved. through coordination between landowners and other stakeholders, especially infrastructure providers, the Council will help to ensure that proposals do not prejudice each other, or hinder the wider development aspirations for the Borough. By promoting comprehensive planning and development through the masterplan process, we will help alleviate issues that may arise through fragmented, piecemeal development. Such comprehensive planning is more likely to maximise wider public benefits.

Meridian Water - 2019 DRP



## DEVELOPMENT MANAGEMENT POLICY

### D3: INFRASTRUCTURE AND PHASING

Planning applications should provide robust information on the expected phasing and delivery rates of the proposed development. This information should include the proposed timetable, infrastructure delivery and maintenance arrangements. It is incumbent upon applicants to demonstrate that sufficient infrastructure capacity exists or will be made available to support the development over its lifetime. This assessment should take into account of existing infrastructure deficits as well as the needs it will generate, in line with the priorities and phasing requirements set out in the Infrastructure Delivery Plan.

#### EXPLANATION

- 15.22 Applicants will be expected to consult with relevant statutory and infrastructure providers at the early stages of the planning application process. This engagement is vital to demonstrate that the proposed development can be accommodated with the existing infrastructure capacity. It also helps in identifying any additional provisions required to meet the demands generated by the development, having regard to relevant evidence set out in pertinent strategies and the most up-to-date information available in the Infrastructure Delivery Plan (IDP).
- 15.23 Enfield's IDP identifies the different types of infrastructure that will be required to meet future growth needs of the Borough and outlines the strategies for their delivery and phasing to support new development. The IDP is a living document which will be updated on a regular basis as new information and evidence become available.
- 15.24 Site allocations will be the main mechanism for delivering infrastructure in the Borough. However, the long lead-in times associated with the delivery of infrastructure means that careful planning and phasing of site allocations to ensure the timely introduction of new development along with the required supporting infrastructure, particularly transport-related infrastructure.
- 15.25 In addition, it is essential to establish appropriate measures to be put in place to secure the ongoing maintenance and management of infrastructure and services within new development. In instances where it is appropriate, contributions will be sought towards on-going revenue costs associated with the physical upkeep and management of infrastructure assets linked to the proposed development. These assets may include publicly accessible open spaces, sustainable drainage systems, and highways. Planning applications will be expected to explain how this infrastructure will be maintained and managed over time.
- 15.26 Depending on the scale and nature of the proposed development, the developer has the option to either transfer the ownership and associated responsibility of this infrastructure to a public body such as the London Borough of Enfield or a third party organisation like a community-run trust. Alternatively, they may decide to maintain private ownership of the land and manage its upkeep for example through a property management company. Nevertheless, the authority reserves the right not accept a transfer of ownership, in which case the developer would be required to retain ownership and assume responsibility for the management of this infrastructure. It is crucial that open spaces and community facilities, including health centres and cultural hubs remain accessible to the public and are maintained at an acceptable standard in perpetuity.



## DEVELOPMENT MANAGEMENT POLICY

# D4: MONITORING AND REVIEW

1. Monitoring is an important part of the continuous planning process. A set of key indicators and targets have been developed so that the effectiveness of policies in achieving the objective can be assessed. Where regular monitoring indicates a significant and persistent shortfall in the delivery of housing and employment targets as set out in part 2 of the plan, including in the types and sizes of homes and employment spaces indicated in the latest evidence base documents, the Council will implement an action plan to increase the supply of land and supporting infrastructure. This action plan will involve various measures including:
  - a. utilising council-owned land and relevant powers such as compulsory purchase orders and site acquisitions to assist in the delivery of sites and associated infrastructure including the direct provision of new housing and employment facilities;
  - b. securing additional funding from various sources such as the GLA, TfL and government bodies to facilitate the timely delivery of sites and associated infrastructure, with the aim of achieving higher densities than those projected in the housing trajectory, as set out in Authority Monitoring Report;
  - c. maintaining a register of suitable and deliverable sites, including small sites and self-build projects, to ensure a rolling five-year supply of housing on an annual basis;
  - d. exploring opportunities arising from development proposals to unlock housing and infrastructure delivery across the Borough, including the pooling of contributions and the identification of new projects through the Infrastructure Delivery Plan;
  - e. working with a range of partners and stakeholder to ensure sustainable growth and regeneration opportunities are fully explored, with a focus on optimising the use of previously developed land and new delivery approaches and area-based masterplans, particularly in opportunity areas and town centres; and
  - f. supporting various initiatives such as neighbourhood plans, town centre partnerships, business networks and business-led and other neighbourhood management schemes to promote centres, attract inward investment, and effectively co-ordinate and manage improvements to the public realm.



Bloqs, Meridian Water

## Explanation

- 15.27 The ELP will cover a 15-year timeframe from 2019 to 2041. Plan reviews are required at least every five years to account for changing circumstances, such as shifts in market conditions, infrastructure deficiencies, updates or revisions to the London Plan, and the presence of unmet needs within wider housing and economic functional areas. The extent and timing of these reviews will depend on the extent to the effectiveness of the plan's policies.
- 15.28 In order to deliver the spatial vision and strategic objectives outlined in the ELP, the Council will monitor the implementation of policies, proposals and infrastructure projects on an annual basis. Key indicators are set out in the ELP's monitoring framework in Appendix E.
- 15.29 The ELP's progress will be continuously monitored through a framework of performance indicators and targets. In cases where the policies fall short of achieving the growth targets set out in Chapter 2, the Council will take appropriate actions to correct the situation. Some of the triggers that prompt a plan review include the persistent under delivery of housing and employment growth and the challenges in securing the timely provision of essential infrastructure.
- 15.30 Where evidence suggests that changes in land values are likely to impact significantly the viability of different types of development, we will consider the need to review the strategic approaches or policies within this plan to ensure they remain relevant and up to date. This is particularly pertinent to affordable housing and infrastructure requirements. For example, in scenarios where land values increase as a result of strategic infrastructure investment, the Council will seek to ensure that the maximum viable amount of genuinely affordable housing is secured on a site-by-site basis.
- 15.31 Where evidence suggests that changes in land values are likely to significantly impact on the viability of different types of development, we will consider the need to review the strategic approaches or policies set out in this plan to ensure they remain relevant and up to date. This is particularly in respect of affordable housing and infrastructure requirements. For example, where land values increase as a result of strategic infrastructure investment, the Council will seek to ensure that the maximum viable amount of genuinely affordable housing is secured on a site-by-site basis.