

**MINUTES OF THE MEETING OF THE LOCAL PLAN CABINET SUB-COMMITTEE
HELD ON THURSDAY, 15 JANUARY 2015**

COUNCILLORS

PRESENT Ayfer Orhan, Ahmet Oykenner and Alan Sitkin

ABSENT Chris Bond

OFFICERS: Ian Davis (Director of Regeneration & Environment), Joanne Woodward (Head of Strategic Planning and Design), Natalie Broughton (Planning Policy Team Leader), Koulla Panaretou (Committee Secretary)

Also in

Attendance: Cllr George Savva (Associate Cabinet Member) and approximately 4 members of the public.

1

WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed everyone to the meeting and apologies for absence were received from Cllr Ozzie Uzoanya, Cllr Bambos Charalambous and Cllr Chris Bond.

2

DECLARATIONS OF INTEREST

There were no declarations of interest registered in respect of any items on the agenda.

3

URGENT ITEMS

NOTED that the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information and Meetings) (England) regulations 2012. These requirements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

4

CHANGE TO ORDER OF AGENDA

The Sub-Committee agreed to alter the order in which the items on the agenda were considered at the meeting to accommodate the members of the public present. Item 5, Revised Draft Statement of Community Involvement (SCI) was taken before Item 4, Revised Draft Section 106 Supplementary Planning Document. The minutes reflect the order of items listed on the agenda.

5

REVISED DRAFT SECTION 106 SUPPLEMENTARY PLANNING DOCUMENT

RECEIVED a report from the Director of Regeneration and Environment, seeking approval of the Revised Draft S106 Supplementary Planning Document (SPD), as set out in Appendix 1 of the report, for public consultation.

NOTED

- The Council's approach to seeking S106 contributions is currently set out in the S106 SPD adopted in November 2011. The purpose of adopted SPD was to establish a transparent, fair and consistent approach for negotiating S106 agreements in advance of setting a Community Infrastructure Levy – 'CIL'
- Appendix 1 of the report sets out a Revised Draft S106 SPD for consultation – it is intended that the Revised Draft SPD will replace the adopted SPD subject to the outcome of consultation.

There have been two key developments since the SPD was adopted in 2011:

- (1) The Council has now published its Draft CIL Charging Schedule for consultation. It is necessary to ensure that S106 contributions are not sought for infrastructure that will be funded through CIL.
 - (2) The SPD has been updated to reflect the Government's recent announcement on small scale and self-build developments - further information on this is provided in paragraph 3.5 of the report.
- The Council's adopted Core Strategy and recently adopted Development Management Document contain policies which state that a contribution to affordable housing should be provided for all developments of 1 unit and above.
 - In light of the adopted Core Strategy and Development Management policies it would not be appropriate or justified to apply the Government's new policy without exception in the case of affordable housing contributions.
 - In response to the update to the National Planning Practice Guidance (NPPG), the Revised Draft S106 SPD proposes that contributions will no longer be required from individuals or self-builders. In addition the Council will carefully consider applications from small scale developers. Affordable housing contributions will not be sought if they impose a disproportionate burden on a small scale developer and an obstacle to delivery. Officers are exploring

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options to simplify the process of assessing viability to ensure that this in itself does not impose a disproportionate burden.

- With regards to education, the revised S106 SPD proposes to seek contributions for developments of 11 units or more. Construction costs have increase in the last 4 years, therefore the level of contributions sought under the Revised Draft S106 SPD will be higher.
- A summary of the main changes made to the S106 SPD are set out in paragraph 4.3 of the covering report.
- Paragraph 14.1 of the covering report details the consultation that will be undertaken on the Revised Draft SPD. It is proposed to notify over 1500 organisations and individuals on the Local Plan database. In addition to this over 1000 agents and developers known to be working within the borough will be consulted.
- The recommendation is to approve the revised S106 SPD for public consultation.

IN RESPONSE, the following comments were received:

- The priorities for determining and seeking S106 monies was questioned. It was noted that these S106 requirements are determined on a case by case basis. The highest level priority is for affordable housing; education; health and transport.
- It was clarified that under the Revised S106 SPD individuals and self builds would be exempt from the making an affordable housing contribution. Affordable housing will be sought from small developers provided this does not cause a disproportionate burden and affect viability. Small scale developers are defined in the Revised S106 SPD as individuals or companies who do not own and, which are not linked or partnered with companies which employ 10 or more staff, or have an annual turnover or more than 2 million Euros.
- The consultation will be widely advertised and will give the developers the opportunity to input their views.
- The flexibility of making S106 payments was questioned. It was confirmed that staged payments will be used to help assist small developers investing in Enfield and to encourage entrepreneurial activity.
- The role of the independent expert in facilitating or contributing to negotiations on viability was discussed (5.3 of Appendix 1). The approach to negotiations with small developers will be reviewed to ensure that the process is simplified so that agreement is reached at an earlier stage. This process will differ to that of larger

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developments where the starting point is to use the GLA tool kit. Some improvements have already been implemented.

- It was noted that the Revised Draft SPD refers to small scale developers and that the National Planning Practice Guidance refers to small scale development. The Minister's statement on the changes the National Planning Practice Guidance refers to small scale developers. It was further noted that the changes in national guidance were made to the National Planning Practice Guidance and not the National Planning Policy Framework. The Development Management Document policy on affordable housing is supported by a viability assessment.
- It was noted that the government have not published interim arrangements for applications already determined or submitted. Section 5 of the covering report provides further guidance on how applications will be determined.
- Councillor Sitkin suggested that the requirements for developers to produce strategies could be amalgamated and streamlined under Section 13 (Business, Employment and Skills) of Appendix 1. The requirement for local labour in construction should be increased from 20% to 25% and the requirement for one apprentice or trainee per £2m of build cost should be changed to **one apprentice or trainee per £1m of contract value**.
- Overall the document was welcomed, and the importance of the document in contributing towards infrastructure including education and the community benefits of this was noted.
- In terms of the definition of 'small scale developer' it was noted that a 2m Euro development could comprise of one or two properties. The turnover is high in comparison to the profit. Further comments on this will be sought though the consultation process.

Alternative Options Considered:

- A revision to the adopted S106 SPD is required to ensure that there is clarity on the relationship between SD106 and CIL and to set out the approach to negotiating S106 agreements on small sites.
- In terms of the options for seeking contributions on small sites, the alternative option to cease collecting contributions from small sites of 10 or less units, regardless of company size has been discarded as this would be contrary to the Council's adopted development plan policies and the Government's intention of the change to the NPPG which is to provide support for small scale developers, custom and self builders. This discarded option would also result in a decrease in contributions received for essential infrastructure and affordable housing.

DECISION: The Cabinet Sub-Committee agreed:

To approve the Revised Draft S106 Supplementary Planning Document (SPD), as set out in Appendix 1 of the report, for public consultation, subject to changes agreed at the meeting under Section 13 (Business, Employment and Skills) of Appendix 1 including a change to the requirement for one apprentice or trainee per £2m of build cost to one apprentice or trainee per £1m of contract value.

REASON: To provide a clear, transparent and up-to-date guidance on the type of S106 obligations required for new developments and to assess the level of contributions required and to detail the relationship between S106 and CIL. The interim approach is considered necessary to take into account changes to the National Planning Practice Guidance (November 2014).

6

REVISED DRAFT STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

RECEIVED a report from the Director of Regeneration and Environment seeking endorsement to publish the revised Statement of Community Involvement (SCI) (Annex 1) for a six week consultation period.

NOTED

1. The Council published its first SCI in 2006. Since then there have been a series of important changes to planning law and regulations regarding the approach to Local Plan production, and consultation process for dealing with planning applications. As a result, the SCI has been updated to reflect these changes (Annex 1).
2. The new SCI has been expanded to include the engagement processes related to neighbourhood planning and the Council's approach to Duty to Co-Operate (introduced by the Localism Act 2011) and the Community Infrastructure Levy (CIL).
3. The up to date version of the document requires a further amendment to paragraph 2.2.3 to read: ***“Help and assistance is available to those who request a need for documents to be provided in a different format.”***

IN RESPONSE the following comments were received:

1. It was suggested that the consultation be widened to include further voluntary sector organisations which are to be specifically mentioned in SCI, including EREC and the Over 50s forum. The need to engage hard to reach groups was recognised and the role of umbrella groups noted.

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2. Enhancements to the consultations, such as completion of documents in plain English and jargon free wording, would benefit these organisations greatly and make clearer what is being proposed.
3. Newsletters produced by organisations can be used to provide information.
4. The level of consultation carried out by Enfield was to be commended.
5. The cost of consultation was questioned and it was confirmed that this is factored into the project planning.

Alternative Options Considered: The Council is bound by statutory regulations to update the SCI in accordance with legislative changes. Not doing so would leave the Council open to challenge as to the processes it follows in preparing the Local Plan and in dealing with applications and appeals. In preparing the revised SCI Officers have taken the opportunity to add further clarity to the regulatory guidance.

DECISION: The Cabinet Sub-Committee agreed:

To approve publication of the revised Statement of Community Involvement (SCI) for a six week consultation period, subject to the following changes:

- (a) To amend the last sentence in paragraph 2.2.3 to read: **“Help and assistance is available to those who request a need for documents to be provided in a different format.”**
- (b) Further information to be added to ensure early and continuous involvement of voluntary sector organisations, including Enfield Racial Equality Council and the Over 50s forum.

REASON: As set out in “Alternative Options Considered”, above.

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MINUTES FROM THE MEETING HELD ON 15TH OCTOBER 2014

AGREED that the minutes of the Local Plan Cabinet Sub-Committee held on 15th October 2014 be approved.

8

DATE OF NEXT MEETING

AGREED that the next meeting will be on Wednesday 4th March 2015 @ 7pm in Room 6.