

MUNICIPAL YEAR 2014/2015 REPORT NO.

ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

PORTFOLIO DECISION OF:

Alan Sitkin
Cabinet Member for Economic
Development

REPORT OF:

Joanne Woodward
Head of Strategic Planning and
Design

Part: 1	KD No: KD 3844
Subject: Community Infrastructure Levy Draft Charging Schedule Supporting Information Document	
Wards: All	
Cabinet Member consulted: Cllr Sitkin	

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1. EXECUTIVE SUMMARY

- 1.1 On 8th October 2014, Council approved the Community Infrastructure Levy (CIL) Draft Charging Schedule for public consultation for a period of six weeks and thereafter, submission to the Secretary of State for independent Examination.
- 1.2 At this meeting, Council agreed that the Cabinet Member for Economic Development, in consultation with the Director of Environment be authorised to approve the publication of the CIL Supporting Information Document to provide further guidance to respondents to the Draft Charging Schedule consultation and applicants for planning permission, on the justification and operation of an Enfield CIL.
- 1.3 This report seeks agreement of the CIL Supporting Information Document attached as Annex 1. The Document forms part of the evidence to support the CIL Draft Charging Schedule and will be submitted to the Secretary of State for consideration at the Examination of the proposed Enfield levy.

2. RECOMMENDATIONS

That the Cabinet Member for Economic Development, in consultation with the Director of Environment, approves the CIL Supporting Information Document as attached as Annex 1.

3. BACKGROUND

- 3.1 On 8th October 2014, Council approved the CIL Draft Charging Schedule for a six week public consultation and subsequent submission to the Secretary of State for Examination.
- 3.2 At this meeting, Council agreed that the Cabinet Member for Economic Development, in consultation with the Director of Environment be authorised to approve the publication of the CIL Supporting Information Document. The Document will provide further information to respondents to the Draft Charging Schedule consultation and applicants for planning permission, on the justification and operation of an Enfield CIL.
- 3.3 The Document forms part of the evidence to support the CIL Draft Charging Schedule which, following consultation, will be submitted to the Secretary of State for consideration by an independent Inspector at the CIL Examination.

4. CIL SUPPORTING INFORMATION DOCUMENT

- 4.1 The CIL Supporting Information Document contains information on how Enfield Council has prepared evidence to support the Draft Charging Schedule. More particularly it provides:
 - An explanation of what CIL is and the legislative background for CIL charging;
 - Summarises the representations received to the CIL Preliminary Draft Charging Schedule and how these have been addressed in the Draft Charging Schedule;
 - A summary of the information / supporting evidence prepared to support the introduction of an Enfield CIL. including evidence of infrastructure need, economic viability, and planning obligations including affordable housing delivery and;
 - Describes the operational arrangements and policies to accompany the introduction of CIL,
 - Information on the forthcoming public consultation future role of Section 106 Planning Obligations once a CIL is introduced and the infrastructure to be financed through CIL which is to be identified on what is known as a CIL Regulation 123 Infrastructure List.
 - 4.2 The document aids the understanding not only of the public as part of the Draft Charging Schedule consultation but will also form part of the evidence to aid the CIL Inspector in the efficient running of the CIL Examination.
- ### **5. NEXT STEPS – CONSULTATION, SUBMISSION AND EXAMINATION**
- 5.1 The Council intends to consult the public on the Draft Charging Schedule for a period of six weeks commencing 26th November 2014 to 21st January 2015. All previous respondents to the Preliminary Draft Charging Schedule (1st round of public consultation), statutory consultees and people

registered on the Council's Local Plan database will be notified of the consultation. A notice will also be placed in the local press.

- 5.2 Following consultation, the CIL Supporting Information Document will be submitted alongside the Proposed CIL Draft Charging Schedule for consideration by an independent appointed Inspector.
- 5.3 The CIL Charging Schedule and supporting information is proposed to be submitted to the Secretary of State for examination in March 2015.
- 5.4 The examination process is subject to the Planning Inspectorate's timeframes and resources. The Council will enter into a Service Level Agreement with PINS to agree the timetable. It is anticipated that the CIL Examination will be held in May 2015.

6. ALTERNATIVE OPTIONS CONSIDERED

The production of the CIL Supporting Information Document is optional for local authorities. However, the CLG CIL Guidance indicates that local authorities should publish appropriate available evidence on infrastructure costs, other funding sources and economic viability. The Supporting Information Document helps to improve clarity and an understanding of the justification for the CIL rates proposed; not only for the public as part of the Draft Charging Schedule public consultation but also the CIL Inspector.

7 REASONS FOR RECOMMENDATIONS

As set out in paragraph 4.2 above.

8. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

8.1 Financial Implications

- 8.1.1 The cost of the preparation, consultation and examination of the CIL Charging Schedule will be funded from within the Local Plan budget.
- 8.1.2 The CIL Supporting Information Document does not commit the Council to additional expenditure.

8.2 Legal Implications

- 8.2.1 The Planning Act 2008 (the Act) as amended and the Community Infrastructure Levy Regulations 2010 (the Regulations) as amended require local authorities to prepare a CIL Charging Schedule in accordance with the CIL Regulations.

- 8.2.3 Council agreed at its meeting of 8th October 2014 that the Cabinet Member for Economic Development, in consultation with the Director of Environment, approves the CIL Supporting Information Document

8.3 Property Implications

- 8.3.1 Property Services made detailed comments on the DCS rates in the Report which went to Council on the 8th October. The CIL Supporting Information Document provides a summary of the evidence used to support the CIL rates proposed.

9 KEY RISKS

The CIL Supporting Information Document has been provided to inform the CIL Draft Charging Schedule by adding clarity to the rates in the Draft Charging Schedule, for consideration by respondents to the Draft Charging Schedule as part of the public consultation. Producing the CIL Supporting Information Document will also provide the appointed Inspector with information which will help to deliver an efficient Examination process.

10. IMPACT ON COUNCIL PRIORITIES

- 10.1 The CIL Supporting Information Document will support the proposed CIL Charging Schedule and facilitate the Examination and adoption of the document which seeks to achieve fairness for all, growth and sustainability and strong communities. The levy will be instrumental in achieving sustainable growth in the Borough through pooling developer contributions and spending CIL monies accrued on the Borough's regeneration infrastructure priorities.

11. EQUALITIES IMPACT IMPLICATIONS

- 11.1 An EqIA has been produced to accompany the Draft Charging Schedule consultation. The supporting information document does not therefore require a further equalities impact assessment of the CIL Draft Charging Schedule.

12. PERFORMANCE MANAGEMENT IMPLICATIONS

- 12.1 In providing the CIL Supporting Information Document, the Council seeks to inform the public at Draft Charging Schedule stage. It will also use its best endeavours to submit a sound CIL Charging Schedule and to deliver an efficient Examination.

13. PUBLIC HEALTH IMPLICATIONS

13.1 N/A

Background Papers

Proposed CIL Draft Charging Schedule

Annex 1

CIL Supporting Information Document



CIL Draft Charging Schedule

Supporting Information Document

October 2014

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Appendix 1: Evidence Base

Summary

This document provides information about the Community Infrastructure Levy (CIL) and outlines the progress made by Enfield Council for introducing a CIL. The CIL enables planning authorities to set a charge for new development in their area and use the funds collected to help provide the supporting infrastructure required.

In preparing a charging schedule the CIL Regulations require the local authority to demonstrate that it has an infrastructure funding gap, for which CIL is to plug in part, and then demonstrate that the proposed CIL rates for different types of development are economically viable. In order to charge CIL it is necessary to adopt a CIL Charging Schedule that has been subject to two rounds of public consultation and an independent examination. The Council consulted on a CIL Preliminary Draft Charging Schedule during summer 2013 and is now undertaking the second formal stage of consultation on proposed CIL rates.

The current consultation seeks views on Enfield Council's proposed CIL Charging Schedule, ("the CIL Draft Charging Schedule"). This consultation period runs from **26 November until 5pm 21 January 2015**.

This supporting information document sets out a summary of the evidence used to support the Draft Charging Schedule (DCS). More particularly it:

- Provides an explanation of the legislative background for CIL charging.
- Summarises progress made to date and the information / supporting evidence base prepared to support the introduction of an Enfield CIL.
- Describes the operational arrangements and policies to accompany the introduction of CIL, including the future role of Section 106 Planning Obligations.

All representations received through the DCS consultation will be submitted to an independent examiner appointed by the Secretary of State to be considered in the examination of the Charging Schedule in either a public or written examination. It should be noted that all representations received will be publically available for inspection on the Council's website and at the Council's principal office (the Civic Centre) and libraries. A representation made on the DCS can be withdrawn by the person who made it at any time by providing written notification to the Council.

All those making representations on the CIL DCS may request the right for an oral hearing to be heard by the examiner. Representations may also include a request to be notified of the following:

- That the DCS has been submitted to the examiner in accordance with section 212 of the 2008 Act.
- The publication of the recommendations of the examiner and the reasons for those recommendations; and
- Approval of the CIL Charging Schedule by the Charging Authority.

The timetable for adopting CIL and the key milestones leading up to this point are outlined in Table 1 at paragraph 2.9 below.

The CIL Draft Charging Schedule together with supporting documents, including the Infrastructure Delivery Plan Review 2014, can be found on the CIL pages of the Council's website <http://www.enfield.gov.uk/CIL>.

It is proposed to revise the Enfield CIL charging schedule 3 - 5 years after its adoption. This would allow the Council to reconsider the schedule in light of other strategic sites coming forward in the Area Action Plan (AAP) growth areas and changing economic circumstances.

1. Introduction

What is the Community Infrastructure Levy?

- 1.1 CIL was introduced under the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 came into force in April 2010. There have been four subsequent amendments made to the CIL Regulations coming into effect in April 2011, December 2012, April 2013 and February 2014. The Government has also produced practical guidance on the operation of CIL, a revised version of which was issued in June 2014 as part of CLG's on-line Planning Practice Guidance¹.
- 1.2 The Community Infrastructure Levy (CIL) is a standard charge that can be applied to new development and has been introduced to help fund the delivery of supporting infrastructure like schools or better roads. Local authorities charging the levy can pool monies raised to fund local infrastructure such as school extensions, community facilities, highways improvements and many other forms of provision which are currently funded by monies paid by developers under Section 106 (S106) planning obligations. CIL may be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure. The provision of affordable housing is exempt from CIL charging². The Localism Act introduced new elements to CIL including the 'neighbourhood proportion' which ring-fences a proportion of CIL to be allocated through community consultation.
- 1.3 Before introducing CIL local authorities must set out their proposed CIL charges in a schedule outlining the types of new development for which a charge will be made. CIL Charging Schedules must set out the charge(s) in £ per sq m that development will be expected to pay to support the provision of infrastructure. The charge can be varied by geographic area and type of development on the basis of viability evidence.
- 1.4 Whilst there are some forms of development that are exempt or offered relief from paying CIL such as affordable housing, self-build housing or development by charities for charitable purposes³, it is generally the case that qualifying forms of development, (i.e. those identified as chargeable in the Charging Schedule), will pay CIL without exception or negotiation.
- 1.5 In preparing its Charging Schedule the Council must show that the charging of CIL will not deter development nor threaten the delivery of its Local Development Plan. The CIL Charging Schedule must also be supported by evidence of an infrastructure funding gap, which a CIL is intended to help

¹ <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

² Subject to claims for social housing relief being agreed by the Council

³ Subject to claims for relief being accepted by the Council

plug. Evidence of infrastructure need, including a list (Regulation 123 infrastructure list) of what the CIL might be spent upon to justify levying the charge, is also required. Additionally evidence is needed of the Council's proposed policy for the scope of section 106 agreements once CIL becomes operational.

1.6 Further information on CIL can be found on the websites of the following organisations:

- Department of Communities and Local Government

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

- Planning Inspectorate - Planning Portal

<http://www.planningportal.gov.uk/planning/infoforlpas/cil>

- Planning Advisory Service

<http://www.pas.gov.uk/community-infrastructure-levy>

How CIL is Calculated and Charged?

1.7 CIL applies to most planning permissions which add more than 100 sqm of new floorspace or one dwelling or more. The following development types will be liable for CIL:

- Developments comprising 100sqm or more of new build floorspace;
- Development of less than 100sqm of new build floorspace that results in the creation of one or more dwellings;
- The conversion of a building that has not been in lawful use for a stipulated period; and
- Mezzanine floors of less than 200 square metres inserted into an existing building unless forming part of a wider planning permission.

1.8 Where planning permission is granted for a new development that involves the extension or demolition of a building in lawful use, the level of CIL payable will be calculated based on the net increase in floorspace. The existing floorspace in lawful use contained in the building to be extended or demolished will be deducted from the total floorspace when calculating the CIL liability.

1.9 The levy is expressed as £ per sq m, and charged on the grant of planning permission. Following adoption of Enfield's Charging Schedule, CIL rates will be fixed and non-negotiable. When planning permission is granted Enfield

Council will issue a CIL liability notice setting out the amount payable on the commencement of development and the payment procedure. In the case of development enabled through permitted development orders, the persons(s) liable to pay CIL will need to consider whether their proposed development is chargeable and, if so, issue Enfield Council a Notice of Chargeable Development.

2. Preliminary CIL Draft Charging Schedule Consultation & Next Steps

Preliminary Draft Charging Schedule

- 2.1 Consultation on a CIL Preliminary Draft Charging Schedule was undertaken in June and July 2013, alongside a revised draft of the Council's Infrastructure Delivery Plan (IDP). This consultation elicited 33 responses of which 23 commented on the proposed CIL rates and the other 10 responses either made comments solely on the IDP or stated that they had no comments on either draft document.
- 2.2 Substantive responses were received from property developers and their agents, including Fairview Homes and National Grid Property Holdings, and also from bodies including: Greater London Authority, Transport for London, English Heritage, Lee Valley Regional Park Authority, Thames Water, Metropolitan Police and the Fire Service, as well as community groups and residents' associations.
- 2.3 Representations made on the Council's Preliminary Draft Charging Schedule included the following matters:
- requests for discretionary relief from payment of CIL in exceptional circumstances;
 - that details be provided on S106 and affordable housing delivery out turn for recent years;
 - support for proposed higher rate for betting shops and hot food takeaways but also query about the evidence source used to justify charging higher than the standard retail rate for these uses;
 - residential rates set too high and would impact adversely on viability;
 - request for evidence of the impact on development of strategic sites, and
 - concern that the residential rates fail to take account of viability issues associated with retirement accommodation.
- 2.4 These issues have been carefully considered and, where relevant, addressed through further viability testing on a wider range of developments and through a recent market review of land sales and prices evidence so that it is more up to date. This information is set out in an addendum to the original viability

report. A table summarising the comments received on the CIL Preliminary Draft Charging Schedule consultation and the Council's responses can be viewed on the CIL pages of the Enfield web site⁴.

CIL Rate Setting Process for adopting an Enfield CIL

- 2.5 Before the CIL can be collected Enfield must produce a Charging Schedule setting out the proposed CIL charge expressed as a rate per square metre. Differential rates can be charged in different areas or for different uses based on viability evidence.
- 2.6 In setting CIL rates, CIL is expected to have a positive economic effect on development across a local plan area and Charging Authorities should therefore set a rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan. Regulation 14 (1) of the CIL Regulations 2010 (as amended), states that they "must strike an appropriate balance between the desirability of funding infrastructure from CIL" and "the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area".
- 2.7 Before introducing CIL the Council must set out its proposed CIL charges in a schedule outlining the types of new development for which a charge will be made and the amount to be charged per sq m. This must be supported by evidence of infrastructure need, including a list of what the CIL might be spent upon to justify levying the charge. The Council must provide viability evidence to show that the level of CIL will not deter development nor threaten the delivery of the Local Development Plan for the area. It is also necessary to provide information on the operation of section 106 policy following the introduction of CIL.
- 2.8 In setting a CIL Charging Schedule, the Council must have an appropriate evidence base which sets out what infrastructure is needed to support development in the area for the next 10-15 year period identified in the Local Development Plan. It is necessary to look at what projects require funding and where this funding will be derived from. Whilst CIL is usually unlikely to fund projects in their entirety, it is meant to address any funding shortfall that is not met from other funding sources, including Government grants or private sector investment
- 2.9 The process for preparing a charging schedule involves the following stages:

⁴ http://www.enfield.gov.uk/info/200057/planning_policy/1762/community_infrastructure_levy_cil

Table 1: CIL Key Stages

Key milestones	Action	Actual / estimated dates
Preliminary Draft Charging Schedule	Six week consultation period on proposed CIL rates and draft Infrastructure Delivery Plan.	7 th June – 19 th July 2013
Draft Charging Schedule (the current stage)	Six week consultation period on proposed CIL rates, as amended following initial consultation.	26 November – 21 January 2015
Submission to Secretary of State	Independent examiner appointed to consider CIL Draft Charging Schedule.	Anticipated February/March 2015
Public Examination	Soundness of Charging Schedule and supporting evidence tested either in public or through written representations.	Anticipated Spring 2015
Adoption and commencement of charging	Charging Schedule adopted by Enfield Council and commencement of CIL charging.	Anticipated Summer 2015

3. Supporting evidence for the Enfield CIL

Enfield's CIL

- 3.1 Enfield Council's Core Strategy adopted in 2010 sets out the development context for Enfield up until 2026, identifying the growth and development which the Enfield CIL will be used to support through the funding of relevant infrastructure. In particular it identifies four growth areas of the Borough (Central Leaside, North East Enfield, North Circular Road near Southgate and Enfield Town) for which individual Local Plan documents are being produced. The infrastructure needed to support this growth is objectively assessed and outlined in the 2014 Review Infrastructure Delivery Plan (IDP), which also forms the evidence base for the infrastructure funding gap
- 3.2 The Core Strategy sets out a significant level of housing to be delivered through the Plan period, subsequently revised upwards in the Mayor's Further Alterations to the London Plan which has recently been considered at examination and is expected to be adopted Spring 2015. This housing will support the existing residents of Enfield as well as the additional new population either born in Enfield or migrating to the borough to live during this time. Enfield's mid 2012 population estimate of 317,300 is projected to increase to 339,100 in 2022 and beyond the current plan period in 2031 rising to 356,400. The Enfield CIL will be one way in which funding will be secured to ensure delivery of supporting infrastructure needed as a result of this increased population.

- 3.3 Enfield's Core Strategy also envisaged commercial growth coming forward over the Plan period focussed on existing town and local centres. Whilst infrastructure needs of commercial development are likely to be less wide ranging than that for residential uses there will be additional infrastructure demands generated and the Enfield CIL is a potential way that funding can be secured to deliver this infrastructure.

Evidence of Infrastructure Need in Enfield

- 3.4 The Council is required by the NPPF Government guidance on CIL charge setting indicates that information on infrastructure needs should, wherever possible, be drawn directly from the infrastructure planning that underpins the Development Plan. The Infrastructure Delivery Plan (IDP) was produced to support the Core Strategy in 2010 to ensure that there was adequate infrastructure within Enfield to support new growth.
- 3.5 An update of this study has been undertaken which has helped to identify what the future infrastructure needs in Enfield are, and which of these projects CIL funds might contribute towards. The IDP was prepared in liaison with service providers within Enfield and also external bodies such as the police, electricity and the water authorities. The study looked at the whole range of infrastructure needed under the general headings of:
- 1) Physical Infrastructure – including transport (roads, walking/cycling provision and public transport), water and energy utilities, public realm, telecommunications, waste, sewerage and flood risk.
 - 2) Social Infrastructure - including education, health, sports/leisure, libraries, employment and community facilities, policing, ambulance and fire services and
 - 3) Green Infrastructure – including parks, open spaces and waterways.
- 3.6 The IDP was the subject of public consultation at the same time as the Preliminary Draft Charging Schedule. A final version of the IDP Review (2014) document, which forms part of the evidence base to support the CIL charging schedule, can be found on the [Council's website](#)⁵.
- 3.7 The infrastructure study gives a broad overview of Enfield's infrastructure needs as well as providing details on individual schemes. Whilst not necessarily a definitive list of schemes to be funded through CIL, the IDP nevertheless provides justification for the introduction of a CIL charge at the levels proposed. The study has considered other funding sources e.g. Government grants and a funding gap of at least £187 million has been identified until 2026. The table below taken from the 2014 IDP shows the funding gap broken down into infrastructure type. Infrastructure scheme estimated costings and funding arrangements are indicated where known but

⁵ http://www.enfield.gov.uk/info/200057/planning_policy

for a number of schemes this information is not available. Consequently, the funding gap estimates provided below should be considered as underestimates.

Table 2: Infrastructure Funding Gap Estimates

Type of Infrastructure	Funding Gap (£ million)
Transportation	60.00
Utilities and Renewable Energy	21.40
Water and Drainage	19.60
Education	41.00
Historic Environment & Public Realm	8.00
Health Care	6.80
Social Care	tbc
Community Services	2.10
Leisure & Cultural Services	21.30
Parks & Open Spaces	7.45
Waterways	tbc
TOTAL ESTIMATED INFRASTRUCTURE FUNDING GAP	£187.65m

- 3.8 Given the scale of the funding gap already identified and supported with evidence, the Council believes it can justify the preparation of an Enfield CIL. However, it is recognised that the projected level of revenue that a CIL could bring in at the rates proposed, the CIL receipts will only ever provide a small element of the infrastructure funding needed. It is therefore necessary to identify other sources of funding for infrastructure delivery and prioritisation given to certain projects which will need to be identified in the forthcoming CIL Regulation 123 list.

CIL Viability in Enfield

- 3.9 In setting its proposed CIL rates the Council is required to strike an appropriate balance between the need to secure funds that will support the provision of essential infrastructure and the potential impact upon viability of development. The Council is confident that the proposed rates will not threaten the sites and scale of development identified in the Local Development Plan.
- 3.10 The Council commissioned experienced CIL viability consultants, Dixon Searle Partnership, to undertake a CIL economic viability assessment and also assess the viability of the Local Plan policies. This assessment considered the levels of CIL charge that most development could pay and

remain viable. The original study, completed in April 2013, also considered, in terms of viability, policies in the Council's draft Development Management Document and was published alongside the Preliminary Draft Charging Schedule. A Supplementary Information Report was produced in June 2014 that takes account of matters raised in the initial CIL consultation, together with subsequent revisions made by the Government to the CIL Regulations and guidance. Also, in October 2014, a Market Update Report confirmed the CIL rates recommended in the original April 2013 Viability Report. Taken together the April 2013 Viability Study, June 2014 Supplementary Information and October 2014 Market Update Reports provide the Council's evidence justifying the proposed uses and levels of CIL to be charged in Enfield.

- 3.11 Using a residual valuation approach, the Viability Assessment has considered the viability of a range of different types of development throughout the London Borough of Enfield area. It also tested the cumulative impact of the Council's planning policy requirements together with requirements of the London Plan and the Government's National Planning Policy Framework (NPPF). The findings therefore propose a CIL which is in addition to all policy requirements including for affordable housing and the Mayoral CIL for Crossrail.
- 3.12 Considering borough-wide development scenarios, it has particularly focussed on areas where development is expected to come forward as proposed in the Core Strategy / Local Plan. The approach taken seeks to ensure that after development costs, including developers' gross profit, the provision of affordable housing and CIL are taken into account, the residual left is the overall value of development is sufficient to ensure that land can be purchased at a competitive price.
- 3.13 For residential schemes 7 main scheme scenario types were tested over a range of value levels representing varying residential values in the the area allowing consideration of the impact on development viability of changing market conditions over time. In summary, for residential development, suitable parameters for CIL charging were found to be in the range £0 to £120 /sq.m overall. These parameters allow for "buffering" in seeking the right balance and mean that the CIL charging rates proposed fall well within the potential maximum levels recommended.
- 3.14 The viability analysis has assumed that levels of affordable housing have been provided in the development scenarios to meet the targets set out in Enfield Council's current affordable housing Core Strategy policy and the rates have been set accordingly. In overall terms it is not anticipated that the proposed levels of CIL in themselves will have a material impact on the delivery of affordable housing.
- 3.15 A key purpose for undertaking the viability study was to provide evidence that the proposed level of CIL will not deter development from coming forward in most parts of Enfield nor prevent the delivery of the policies in the Local

Development Plan. It is recognised that some sites in the Borough may have site-specific abnormal costs that may lead to development not being viable. However, it is the Council's view that the proposed CIL charge is set at a level that therefore represents a relatively small proportion of the development costs and should not be the deciding factor in whether or not development is viable.

Consideration of Strategic Sites

- 3.16 Consultation on the CIL Preliminary Draft Charging Schedule raised concerns about the impact a CIL would have on the development of major strategic sites. The need to consider this has also been raised in guidance issued by the Government and has therefore been considered as part of the more recent viability work undertaken. These matters have been addressed through further viability testing of 1000 residential unit development scenarios. When combined with the other viability testing scenarios, the viability study including the Supplementary Information Addendum is considered to constitute a fair assessment of the vast majority of the development which is predicted to come forward in Enfield in the foreseeable future.
- 3.17 In the case of large scale developments that deliver major strategic infrastructure; the Council will consider accepting one or more items of infrastructure in lieu of CIL money. This is explained in the section below and will assist in the delivery of these major projects. Developments of this scale would also be able to make use of Enfield's proposed instalments policy (see below) for paying the CIL which would assist with development viability

CIL Draft Charging Schedule

- 3.18 The Council has considered the findings of the viability assessment and the need to address the estimated infrastructure funding gap in making a balanced judgement on appropriate CIL rates. The approach, in line with Government guidance, has been to keep the rates relatively simple whilst securing an appropriate contribution of funding for local infrastructure made necessary by planned new development.
- 3.19 The analysis identifies the increase in value generated by a development upon which a CIL could be charged. The CIL rates have then been derived by looking at the amount of floorspace of different types which comes forward in different developments across Enfield and then calculating a potential CIL at a rate per square metre. These different rates are expressed in the charging schedule shown in tables 3 and 4 below.
- 3.20 The main difference from the Preliminary Draft Charging Schedule stage is that it is now proposed in the Draft Charging Schedule (DCS) to introduce a zero charging area for the Meridian Water Masterplan Area. Although based on a small geographical area in the south eastern corner of the Borough, this is critical to the overall Plan delivery – set to provide in the order of up to

5,000 dwellings overall. Strategic development in this area is likely to carry significant costs as much of the new developments will come forward on former industrial use land which would have higher associated abnormal costs than other forms of development and be deterred from coming forward if they are charged a CIL. More information on this is contained in the June 2014 Supplementary Information Viability Report which confirms a likely deficit viability position or only nominal surplus for additional site costs / infrastructure funding at the current time.

- 3.21 The Viability Study recommends charging a CIL rate on residential and retail developments. With regards all other uses, on viability grounds it is not recommended levying a CIL charge at present. In relation to retail the consultants recommend imposing a borough-wide flat rate charge of £60 p sq m on all qualifying development. In terms of residential use in their June 2014 Supplementary Report the consultants recommended four geographically defined zones with different CIL rates ranging from a nil-rate charge in the Meridian Water masterplan area up to £120 p sq m in the west of the borough. There are two lower and intermediate residential rates proposed of £40 and £60. The recent October 2014 Market Update Report re-affirms the appropriateness of these proposed CIL charging rates.
- 3.22 The Viability Study demonstrates that the CIL rates proposed will contribute to the delivery of the Local Plan and support the planned development in the area by providing part of the infrastructure funding needed whilst setting rates which do not threaten that development overall. The Council is therefore satisfied that its proposed CIL rates are informed by, and consistent with, the viability evidence. More details of the assessment, the result and conclusions can be found in the consultant's main viability report which should be read together with the more recent Addendum and Market Update reports.

Draft CIL Regulation 123 Infrastructure Funding List

- 3.23 The Council is required by the Government's NPPF to establish the infrastructure need within its area over the Local Plan period and also ensure that this infrastructure is delivered in a timely fashion.⁶ Whilst the IDP gives an overall picture of infrastructure needs in Enfield, Government guidance indicates that charging authorities should set out the types of infrastructure or projects which would be funded through a CIL. In accordance with the CIL Regulations (Reg 123), the Council must prepare a list setting out the types of infrastructure that it intends to fund through CIL prior to adoption of its Charging Schedule.

⁶ Paragraphs 162 & 177 of the National Planning Policy Framework, March 2012, DCLG

Table 3: Residential CIL Rates (Comprising all the C3 ⁷ Residential Use Class ⁸)	
Zone	Rate
Meridian Water Masterplan area	Nil rate
Lower rate Eastern corridor (to include the following Wards: Turkey Street, Enfield Lock, Enfield Highway, Southbury, Ponders End, Jubilee, Lower Edmonton, Upper Edmonton, Edmonton Green, Haselbury and parts of the Bush Hill Park and Chase Wards).	£40 per square metre.
Intermediate rate Area south of the A406 and A110 Bowes Road, Bowes Ward and part Southgate Green. Enfield Town (with parts of adjacent Chase and Highlands Wards).	£60 per square metre.
Higher rate Remainder of the Borough.	£120 per square metre.

Table 4 : Non Residential and Commercial CIL Rates	
Retail (A1), financial and professional services including betting shops (A2), restaurants and cafes (A3), drinking establishments (A4) and hot food takeaways (A5).	A borough wide rate of £60 per square metre.
All other uses – (including offices, industrial, hotels, leisure facilities, community and other uses).	£0 per square metre.

⁷ CLASS C3 Dwelling Houses - Use as a dwelling house (whether or not as a sole or main residence): -

a) by a single person or by people living together as a family, or b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

⁸ The Use Classes Order for England 1987 (With amendments; 2005, 2006 & 2010) puts uses of land and buildings into various categories known as 'Use Classes'.

- 3.24 Infrastructure priorities contained within the Council's Local Plan and the IDP will be used to develop an initial indicative draft list. It is anticipated that funding for these projects would come from sources both within and outside the Council and will be developed selecting infrastructure projects from major investment programmes in the Council's designated Area Action Plan areas that are anticipated to come forward during the initial three years of operating CIL.
- 3.25 A draft infrastructure list is being prepared which will be considered alongside the draft Planning Obligations Supplementary Planning Document (SPD) which the Council is currently drafting. The Council will consult on both of these documents prior to the CIL examination anticipated early in 2015. Having taken account of comments received, the draft detailed funding priorities list will be made available at the CIL Draft Charging Schedule examination.
- 3.26 As part of the forthcoming consultation on a revised draft Planning Obligations SPD, views will be sought about the proposed infrastructure projects which will help meet the needs generated by new development.
- 3.27 Once a CIL is adopted, Enfield will be required to publish the funding list on its web site. The CIL Regulation 123 list can then be reviewed at any time. If revisions are proposed to the Regulation 123 list these must first be subject to appropriate local consultation prior to implementation.

Relationship between Section 106 (S106) and CIL

- 3.28. Once a local CIL is adopted or by April 2015, (whichever happens first), the scope of planning obligations will be limited, as explained in CIL Regulation 122, and the two mechanisms should operate in parallel. The Local Plan assumes both CIL and S106 contributions will be used to fund infrastructure delivery. It is important that the operational relationship between the two processes is made clear to ensure that there is no 'double dipping', where a developer might find itself providing contributions towards the same infrastructure provision through both CIL and planning obligations.
- 3.29 Government guidance indicates that local authorities are required to set out how S106 policy will operate alongside CIL in the future. Enfield currently seeks developer contributions to mitigate the impact of development, guidance for which is set out in the Council's S106 Planning Obligations SPD (2011). The SPD will be updated as part of the CIL process in order to reflect the changes in legislation and the introduction of the Enfield CIL. The revised SPD will be consulted on alongside the draft R123 list prior to the CIL DCS examination and will be adopted alongside the CIL charging schedule.
- 3.30 CIL differs fundamentally from S106 in that the funds collected are not tied to a specific development or for the provision of specific infrastructure. Unlike funding from S106 agreements which must meet all of the legal tests set out

in Regulation 122, CIL funds can be pooled and spent on a wide range of infrastructure across the Borough to support development without the need for a direct geographical or functional relationship within the vicinity of the development.

- 3.31 The CIL regulations will scale back the scope of S106 legal agreements, although developers are still required to provide 'on-site' infrastructure needs through S106 obligations to mitigate the direct impact of development such as affordable housing, highways works and other non-financial requirements. This restriction does not apply for infrastructure provision which cannot be funded by CIL, including affordable housing and non-infrastructure items such as training which are not subject to these pooling restrictions. Contributions for highway works secured through section 278 of the highways Act are also not subject to the pooling restriction.
- 3.32 Once CIL charging has commenced planning obligations will still be sought for site specific infrastructure directly related to the development that is needed to secure planning permission. Although provision for S106 agreements will remain, after the Council adopts a CIL or after 6th April 2015, (whichever is earlier), the Council is restricted to pool together a maximum of five contributions from five separate Planning Obligations..
- 3.33 As stated above, a revised draft S106 planning guidance is currently being prepared and will be consulted on prior to the CIL examination next spring. The main thrust of the amendments is likely to be as follows:
- The Council's intention is that CIL will be used to deliver larger strategic items;
 - Non-financial obligations will however continue to be required by S106 together with financial contributions sought where required to mitigate site specific impacts of development;
 - Once an Enfield CIL has been introduced, S106 will not be able to be negotiated for projects or infrastructure identified in the CIL Regulation 123 funding list;
 - Up to five contributions towards a type of infrastructure or a project can still be pooled provided that this type of infrastructure / project is not identified on the Regulation 123 list;
 - Non-CIL items such as employment and training initiatives can remain under S106 planning obligations and the pooling restrictions do not apply provided that they are not used to fund the buildings in which these activities take place.
- 3.34 The Government's CIL guidance advises that as background evidence, charging authorities should provide information about the amount of funding collected in recent years through section 106 agreements, including information on the extent to which affordable housing and other targets have been met.

Section 106 Evidence

S106 Monies Received

3.35 Table 5 sets out the financial obligations received from s106 agreements for each of the financial years 2011/12 to 2013/14.

Table 5: S106 Financial Obligations Received 2011/2012 to 2013/2014

CONTRIBUTION TYPE	Total Amount Received 2011 - 2012	Total Amount Received 2012 - 2013	Total Amount Received 2013 - 2014
Affordable Housing	108,906.42	69,773.02	1,081,455.78
Sustainability (carbon fund and air quality monitoring)	45,000.00	53,719.00	53,010.00
Riverside Walk/Columbia Wharf	20,000.00	125,238.77	0
Community Safety	0	106,600.38	0
Conservation	31,017.90	0	0
Ecology	0	0	14,038.90
Education	771,840.48	587,828.00	871,071.86
Health Care	0	0	200,555.77
Highways/Traffic and Transportation	172,769.46	39,020.54	427,798.48
Employment & Training (including Jobsnet)	45,000.00	26,032.26	19,084.81
Lifetime Homes	0	1,000.00	0
Open Space & Landscaping	132,000.00	15,000.00	97,146.94
Planning Conditions	1,700.00	0	0
Public Art	0	0	30,254.44
Public Realm	83,653.85	5,000.00	5,690.85
Other	41,408.75	408,919.97	251,659.48
TOTAL	1,453,296.86	1,438,131.94	3,051,767.31

3.36 During the financial year 2013/14, a total of £3,051,767 was received from S106 schemes where planning permission had been implemented. Fifty percent of the receipts received are directed towards pooled affordable housing and education contributions whilst the remaining amount has largely

been received for site specific mitigation measures such as highways works and the provision or improvement of open spaces.

S106 monies secured via signed S106 agreements but not yet received

- 3.37 Tables 6 below sets out the S106 obligations secured from S106 agreements as at the end of the 2013/2014 financial year
- 3.38 Although agreed with the Council, payments have not yet been received as the relevant trigger points for payment have not been reached. Trigger points tend to be on commencement or occupation of the development.
- 3.39 It should be noted that not all financial contributions secured via signed planning agreements will ultimately be received by the Council. For example, the landowner/developer may choose not to progress development, or another application and agreement may supersede an earlier agreement.

Table 6: S106 contributions secured at end of 2013/2014 financial year

Type of obligation	Total amount negotiated/ expected to be received once payment is triggered.
Education	£3,180,902.39
Affordable Housing	£3,018,011.41
Health Care	£1,092,976.00
Highways/Traffic and Transportation	£738,546.50
Parks	£554,402.00
Employment and Training	£133,000.00
Community Safety & Facilities	£112,500.00
Sustainability (carbon fund and air quality monitoring)	£94,475.00
Public Art	£30,000.00
Other Obligations	£210,646.56
Total	£9,165,459.86

(Source: S106 Agreements Monitoring Information Report, Planning Committee 22.7.14)

Affordable Housing Delivery

- 3.40 The Viability Study has tested different rates and found that where development is viable, most development will be able to meet the Local Plan target of 40% of units to be affordable. The Council's record of delivering affordable housing under the current S106 regime supporting these findings is set out below.

Table 7: Delivery of Affordable Housing in Enfield 2010/11 – 2013/14

YEAR	TOTAL HOMES IN DEVELOPMENTS OF OVER 10 UNITS (GROSS)	TOTAL AFFORDABLE HOMES IN DEVELOPMENTS OF OVER 10 UNITS	AFFORDABLE HOMES IN DEVELOPMENTS OF OVER 10 UNITS
2010/2011	365	221	61.0%
2011/2012	79	20	25.3%
2012/2013	430	243	56.5%
2013/2014	522	307	59.0%

(Source: London Development Database (LDD))

- 3.41 Core Policy 3 of the Core Strategy seeks to achieve a borough-wide target of 40% affordable housing in new developments accommodating 10 or more dwellings. The provision is to be provided on site unless there are exceptional circumstances which deem otherwise. Table 7 above shows that in developments of 10 or more units the Council has managed to achieve above the 40% target, apart from in 2011/2012; despite this the average figure for the four years is 50.45%.

In 2012/2013 and 2013/2014 there were a handful of large sites (of 10 plus units) which contributed to the gross total homes figure these are illustrated in Table 8 below.

Table 8: Large housing sites (of 10 plus units) in Enfield contributing to the Gross Total Housing Figure 2012/2013 and 2013/2014

Year 2012 – 2013	
Site	Units
Innova Park	330
Gala Site	39
New River Crescent	36
Bramley Road	25
Total	430
Year 2013 – 2014	
Site	Units
New River House	191
Watermill Lane	221
Drapers Road	44
Chase Side Works	53
High Street Ponders End	12
Total	521

3.42 For developments of less than 10 units the Council seeks a financial contribution to deliver off site affordable housing with a borough-wide target of 20%. Commuted sums for affordable housing which have been received are incorporated in table 5 above. Table 6 incorporates commuted sums for affordable housing which have been negotiated via a s106 agreement but not yet received.

4. Operation of the Enfield CIL

4.1 When a charging authority introduces a CIL Charging Schedule, as explained below, there are a number of optional procedures that can be put in place.

The Mayor of London's CIL

4.2 The Mayor of London introduced a CIL for contributions towards Crossrail, which came into force in April 2012. The London boroughs (including Enfield)

collect the Mayor's CIL on his behalf. In Enfield the Mayor's CIL is set at £20 per sq m for all development except education and healthcare uses. An Enfield CIL, (once adopted in 2015), will be charged in addition to the Mayor's CIL. In order to ensure clear and efficient operation of the CIL process, where possible the Council will collect the Enfield CIL in line with the current mechanisms operating for the Mayoral CIL.

Administrative costs

- 4.3 The CIL Regulations allow the charging authority, (in this case Enfield Council), to take a maximum of 5% of the total annual CIL receipts in order to fund the administrative expenses of operating the levy. These administrative costs can include both the set up costs as well as the ongoing costs incurred by the Council in operating and collecting a CIL.
- 4.4 The Council intends to cover its costs through the CIL receipts received in line with the CIL Regulations and will publish records annually detailing the administrative expenses incurred and the amount and proportion of CIL which has been used to reimburse these expenses.

Enforcement

- 4.5 The 2010 CIL regulations (as amended) set out the range of measures that the Council, as collecting authority, may take to ensure the payment of CIL, including surcharges on late payments and the issuing of stop notices. Powers extend to the ability to seek a Court's consent to seize assets or committal to prison.

Review of CIL Calculation and Appeals

- 4.6 Developers may apply for a review of the chargeable amount if they do not agree with the CIL calculation and can also appeal against the amount, refusal to grant relief, apportioning the liability to the wrong party or the commencement date. The appeal would be to either the Secretary of State or the District Valuer, depending on the grounds of appeal.

Neighbourhood Planning

- 4.7 The Council will be required to pass on a proportion of CIL receipts for use on infrastructure identified as important by the local community. Introduced through the Localism Act 2011, the CIL Regulations (see Regulation 59A for details) stipulate that if a Neighbourhood Plan had been adopted for a neighbourhood area then 25% of the funds should be passed on and where there is not a plan in place then 15% (capped at £100 per household) of the CIL raised in the area can be spent locally.

4.8 Although there are no parish councils in Enfield the CIL Regulations (Reg 59F) indicate that Enfield: “may use the CIL (15 or 25% of what is collected in an area) to support the development of the relevant area by funding:

(a) the provision, improvement, replacement, operation or maintenance of infrastructure; or

(b) anything else that is concerned with addressing the demands that development places on an area.”

4.9 The Council will establish the format of this consultation with the local community, using existing local consultation and engagement processes where possible. These decisions are to be taken at a later date in the CIL process and the details will be published on the Council’s website in due course.

Instalment Policy

4.10 CIL is payable on commencement of development. Although not subject to the examination process, the Community Infrastructure Levy Regulations 2010 allow CIL charging authorities to put in place policies allowing payment of CIL in instalments. The Mayor of London already operates an instalment policy and, once Enfield introduces its own CIL, the Council will need to decide whether to continue with the Mayor’s policy or adopt its own Enfield CIL instalment policy. The Council’s present intention is to adopt the Mayor’s instalments policy details of which are set out in the table below:

Amount of CIL liability	Number of instalment payments	Amount or proportion of CIL payable in any instalment/time at which payments are due
£500,000 or less	no instalments	total amount payable within 60 days of commencement of development
£500,001 or more	two	<ul style="list-style-type: none"> • the greater of £500,000 or half the value of the total amount payable within 60 days of commencement of development • the remainder within 240 days of commencement of development

Exemptions and Exceptional Circumstances procedure

- 4.11 The CIL regulations 2010 (as amended) identify certain types of development that are exempt, offered relief on a mandatory basis or offered relief at the charging authority's discretion. The following forms of development are exempt from paying CIL:
- Buildings into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (Reg 6);
 - Subdivision of existing dwellings into two or more dwellings (Reg 6);
 - Development of less than 100 sq m gross internal floorspace that do not result in the development of 1 or more additional dwellings (Reg 42);
 - Developments by charity where the development will be used wholly or mainly for charitable purposes (Reg 43);
 - Exemptions for people who extend their own homes, erect residential annexes (Regs 42A & 42B); and
 - Self-build homes (Regs 54A, 54B, 54C & 54D).
- 4.12 In addition, developers of social housing are able to apply for full relief from the levy that will apply on those parts of a chargeable development which are to be used as social / affordable housing (Regs 49 – 54).
- 4.13 The CIL regulations also provide that charging authorities have the option to offer discretionary exceptional circumstances relief for:
- Development by a charity where the profits of the development will be used for charitable purposes (Regs 44 – 48); and
 - A process for granting discretionary relief from paying CIL in exceptional circumstances (Regs 55 – 58).
- 4.14 The guidance and regulations set out the requirements for claiming and granting exceptional circumstances relief. They make clear that this can only apply where there is a planning obligation attached to a planning permission; the charging authority must consider paying the full levy would have an unacceptable impact on the development's economic viability, and the relief must not constitute a notifiable state aid. For these forms of relief a formal application would need to be made with evidence to demonstrate that relief should be granted.
- 4.15 It is open to charging authorities to give discretionary relief for charitable purposes for development not covered by the definition of charitable activity in the CIL Regulations. The Regulations also provide that charging authorities have the option to offer relief from the levy in exceptional circumstances where a specific scheme would be unviable if it were to pay the levy. A charging authority wishing to offer exceptional circumstances relief in its area must first give notice publicly of its intention to have an exceptional circumstances policy. A charging authority can then consider claims for relief on chargeable developments from landowners on a case by case basis.

- 4.16 Enfield does not intend to make available discretionary relief for charitable purposes. Nor is it anticipated that the council will adopt an exceptional circumstances relief policy as the proposed CIL rates have been viability assessed. However this decision will be reviewed as part of the monitoring of CIL once the Charging Schedule is in force.

Payments in lieu of CIL

- 4.17 Revision to the CIL regulations (Reg 73A) allow a charging authority to accept one or more infrastructure payments – provision of one or more items of land and/or infrastructure - in lieu' of paying a CIL. The Council can give notice that, upon adoption of the CIL Charging Schedule, it is willing to accept land / infrastructure payments. In circumstances where the CIL liable party and Enfield Council agree, it may then be possible for payment of the levy to be made in kind. Any agreement must be entered into before the chargeable development is commenced and would be subject to fulfilling the following conditions:

- The acquired infrastructure is used to support the development of the London Borough of Enfield;
- The land / infrastructure is acquired by the Council or a person nominated by the Council;
- The transfer of infrastructure must be from a person who has assumed liability to pay CIL;
- The CIL liable party:
 - i) has, or is likely to have, sufficient control over the land on which the infrastructure is to be constructed, and
 - ii) has provided evidence, or will be likely to obtain, any relevant statutory authorisations necessary to enable the infrastructure to be constructed, and
- The infrastructure provided is valued by an independent person agreed by the Council and the person liable to pay CIL.

Monitoring

- 4.18 Once the CIL Charging Schedule has been adopted, the operation of an Enfield CIL will be monitored and reported as part of or alongside the council's Authority Monitoring Report (AMR) which has historically recorded the detail of key Local Plan delivery indicators. The annual reports will cover the information which is required to be reported on annually as set out in Regulation 6494) and amended to include reporting requirements for the neighbourhood proportion. This will include:

- The amount of CIL money collected in the financial year;
- The total amount of CIL money spent in the financial year;

- A summary of what CIL has been spent on; how much has been spent on each scheme and the amount of money on administrative costs;
- The amount of money passed to neighbourhood forums and how the 15% passed on is to be distributed;
- The amount of money that remains unspent at the end of the financial year.

4.19 The report will be published on the Council's website in the December following the financial year, in line with the CIL reporting deadlines set out in the CIL Regulations.

Appendix 1

Evidence Base

The following documents comprise the evidence base and supporting documents:

- **Draft Charging Schedule Background Document (This document)**
Background document to support the CIL Draft Charging Schedule Consultation
- **Enfield Council Infrastructure Delivery Plan 2014 Review**
The Infrastructure Delivery Plan was originally produced in 2010 as part of the evidence base for the Local Plan Core Strategy. Following consultation in 2013 this document has now been revised and updated. It provides a broad overview of the way certain infrastructure is planned and the agencies involved in its delivery. It also considers the costs and likely funding mechanisms for items of infrastructure, particularly those that are critical to delivering the Core Strategy. The document (at Appendix A.1) includes a **Duty to Cooperate Statement** outlining the ongoing constructive and active engagement undertaken with relevant organisations.
- **Enfield Council Local Plan Core Strategy**
The Enfield Council Local Plan Core Strategy (adopted 2010) sets out how much development will take place in the Borough to 2026 and the broad locations for that development.
- **Development Management Document**
- **Preliminary Draft Charging Schedule**
- **Preliminary Draft Charging Schedule Consultation Statement**
- **Equalities Impact Assessment** – initial one produced in June 2013 accompanying the Preliminary Draft Charging Schedule and October 2014
- **CIL Viability Assessment**
An Economic Viability Assessment (April 2013) was prepared for the Council by consultants Dixon Searle Partnership. **A Supplementary Information Report** was also produced in June 2014. This assessed what level of CIL could be introduced for different development types across the Borough without putting future development at risk. The viability assessment, based on well-established development appraisal techniques, involved looking at the impact of potential CIL rates on residual land values. The appraisal took account of other costs including affordable housing and used assumptions reflecting the local market and relevant planning policy, including policies in the emerging Development Management Document which has reached

Submission Stage. In view of the passage of time since the original report, a **Market Update Report** was provided in October 2014.

Forthcoming Evidence

The following additional documents will be available prior to the CIL Examination:

- **Draft S106 Review SPD**
- **Draft Regulation 123 List**
- **Adopted Development Management Document**
- **Enfield Council's responses to consultation representations received to:**
 - i) **CIL Draft Charging Schedule**
 - ii) **Draft S106 Review SPD**
 - iii) **Draft Regulation 123 List**