

LB Haringey

Planning Obligations Supplementary Planning Document

Draft July 2014

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## **1. Introduction**

- 1.1 The purpose of this document is to clearly set out the Council's approach, policies and procedures in respect of the use of planning obligations. It has been prepared as a 'Supplementary Planning Document' (SPD) to support Policy SP17 of Haringey's Local Plan (March 2013), and the local Community Infrastructure Levy (CIL) adopted in July 2014. On 31<sup>st</sup> October 2014 Haringey will implement its Community Infrastructure Levy on new development in the borough.

### **The Aim of this Document**

- 1.2 The aim of this document is to provide guidance on how planning obligations will operate in Haringey. Specifically it will:
- Provide transparency and certainty in regard to the functioning of the planning application process and procedures for securing planning obligations;
  - Set out the types of planning obligations that may be sought with various development proposals;
  - Detail the relationship between planning obligations and CIL;
  - Assist with the delivery of sustainable development in accordance with policies in Haringey's Local Plan.

### **What Planning Obligations are collected?**

- 1.3 The purpose of planning obligations is to make development acceptable in planning terms. This is about mitigation, rather than just identification, of any undesirable impact and is generally negotiated during the consideration of a planning application. So while it can be good practice to submit information about a proposed planning obligation alongside an application, it should not normally be a requirement for validation of a planning application.
- 1.4 CIL is collected at a per square metre rate on certain types of development in the borough. The charging schedule sets the rates, and the Regulation 123 list identifies the strategic infrastructure projects that the money collected will be spent on.
- 1.5 Generally, when alterations to a scheme are required upon granting a planning permission, these will be required by way of placing a condition on a grant of planning approval. Where mitigation is required off-site in order to make a development acceptable in planning terms, planning obligations can be used to ensure works are undertaken as part of the development. These will be agreed prior

to, and enforced upon grant of a planning application. These are termed **non-financial obligations** in this document.

- 1.6 Planning obligations can also secure financial contributions where it is expedient to ensure the effects of a development are mitigated off-site, but without which it would otherwise have been necessary to refuse planning permission. Where these are standard to most development in the borough, these are termed **financial obligations** in this document.
- 1.7 On some sites it may be necessary for bespoke pieces of infrastructure, or mitigation to be provided in order to make the site acceptable in planning terms. These will be termed **site specific financial obligations** in this document.
- 1.8 Whilst the obligations outlined in the SPD may be anticipated with development that takes place in the borough, there may be other types of obligations, not covered by the SPD, that could be required to mitigate specific impacts of a development.

### **How planning obligations are collected**

- 1.9 There are two main methods of collecting planning obligations as part of a planning permission, through the Community Infrastructure Levy, and through Section 106 agreements.

### **Community Infrastructure Levy (CIL)**

- 1.10 Haringey has established a CIL charging schedule, which sets out the rates to be levied on new development in the borough. CIL applies to most new developments and charges are based on the size and type of the new development.
- 1.11 CIL will generate funding to deliver a range of infrastructure projects that support residential and economic growth in the borough, which will provide certainty for future development, and benefit local communities. These projects are identified in the Infrastructure Delivery Plan (IDP), and prioritised through the Council's budget setting process and publicised on the Council's Regulation 123 list.

- 1.12 The Infrastructure Delivery Plan is updated periodically alongside Local Plan document preparation. The Council's budget is set annually, and where projects are added that CIL may reasonably contribute towards. This will be reflected in an update to the Regulation 123 list, which will be published on the Council's website. Amounts of CIL charged, collected, and spent will be recorded in the Council's Annual Monitoring Reports.
- 1.13 This process allows the Council to work with infrastructure providers and communities to set priorities for what the funds collected under the levy should be spent on, and provides a funding stream so that the delivery of infrastructure projects can be planned more effectively.
- 1.14 CIL is designed to give developers and investors greater confidence to invest because there will be more certainty 'up front' about how much money they will be expected to contribute towards community infrastructure. Equally, the wider community and developers alike will be better able to understand how new development is contributing towards infrastructure provision across the borough.

### **Planning Obligations (S106)**

- 1.15 Planning obligations secured pursuant to Section 106 of the Town and Country Planning Act 1990 are entered into as legal agreements between local planning authorities, landowners, developers and potentially other affected third parties. The Council can secure financial and/or non-financial obligations whether on a one-off or continuing basis and depending on the nature thereof bind that parcel of land and subsequent owners or occupiers.
- 1.16 These obligations may be secured through a Unilateral Undertaking where a fixed fee is required upon grant of planning permission, or through a s106 agreement.
- 1.17 In Haringey planning obligations will be used to compensate and/or mitigate the impact of a development, which without that mitigation, would render the development unacceptable in planning terms.
- 1.18 The Haringey CIL Charging Schedule sets out the expectation that Section 106 agreements will continue to be collected for:

- a) Specific infrastructure requirements that directly arises from five or fewer developments, section 106 arrangements may continue to apply if the infrastructure is required to make the development acceptable in planning terms
- b) Affordable housing contributions
- c) Connections to a renewable/ decentralised energy network
- d) On-site open space requirements
- e) Employment and training provision
- f) Measures to mitigate the traffic and transport impact of development such as Travel plans / Car clubs
- g) Town Centre management funding

1.19 Opportunities for providing examples of pieces of infrastructure falling into (a) above on the most strategic sites within the borough will be set out in the Site Allocations DPD.

### **Replacement of Existing Guidance**

1.20 This document when adopted will replace a suite of existing SPD and SPG relating to the management of planning obligations in the borough:

- SPG 10a: The Negotiation, Management and Monitoring of Planning Obligations;
- SPG 10b: Affordable Housing;
- SPG 10c: Educational Needs Generated by New Housing;
- SPG 10d: Open Space;
- SPG 10e: Improvements to Public Transport Infrastructure and Services
- Code of Practice Note 1: Employment and Training;
- Code of Practice Note 2: Health;
- Haringey Open Space & Recreation Standards SPD;
- Planning note: Implementation of off-site affordable housing contributions for sites below 10 units in Local Plan Policy SP2 Housing.

### **Status of this document**

1.21 This document is a draft for consultation purposes. It is being consulted on for a period of six weeks from July-September 2014.

1.22 When adopted this SPD will be a material consideration in the granting of planning applications in Haringey. This draft has been prepared and is being consulted on in line with the regulations contained in the Planning and Compulsory Purchase Act 2004, and the Town and Country Planning (Local Planning) (England) Regulations 2012.

## 2. Legislative Context

### National Legislation: CIL

- 2.1 The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.
- 2.2 These Regulations were amended in 2012, 2013, and 2014.
- 2.3 Depending on the type of development, relief from payment of CIL is available:
- Minor development exemption below 100m<sup>2</sup> (unless a new residential unit is created)
  - Mandatory charitable relief;
  - Discretionary charitable relief;
  - Mandatory social housing relief;
  - Discretionary social housing relief;
  - Exceptional circumstances relief;
  - Self build exemption (for a whole house);
  - Self build exemption (for a residential annexe or extension)

### National Legislation: S106

- 2.4 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development.
- 2.5 The common uses of planning obligations are to secure affordable housing, and to specify the type and timing of this housing; and to secure financial contributions to provide infrastructure or affordable housing. However these are not the only uses for a s106 obligation. A s106 obligation can:

- restrict the development or use of the land in any specified way;
  - require specified operations or activities to be carried out in, on, under or over the land;
  - require the land to be used in any specified way; or
  - require a sum or sums to be paid to the authority (or, to the Greater London Authority) on a specified date or dates or periodically.
- 2.6 A planning obligation can be subject to conditions, it can specify restrictions definitely or indefinitely, and in terms of payments the timing of these can be specified in the obligation.
- 2.7 If the s106 is not complied with, it is enforceable against the person that entered into the obligation and any subsequent owner. The s106 can be enforced by injunction.
- 2.8 In case of a breach of the obligation the authority can take direct action and recover expenses.
- 2.9 The planning obligation is a formal document, a deed, which states that it is an obligation for planning purposes, identifies the relevant land, the person entering the obligation and their interest and the relevant local authority that would enforce the obligation. The obligation can be a unilateral undertaking or a multi party agreement.
- 2.10 The legal tests for when you can use a s106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are in relation to whether the obligation is:
- necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

### **National Planning Policy Framework (NPPF)**

- 2.11 As well as the legal tests, the policy tests are contained in the National Planning Policy Framework ( NPPF):

*"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

2.12 As such, when planning conditions on sites can be used, obligations will not be required.

2.13 Over the last few years there has been growing concern about delivery of development and development viability. This is reflected in the NPPF:

*"205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled."*

### **Amendments and Modifications – recent changes (S106A)**

2.14 Under the Planning Act s106 (A) a person bound by the obligation can seek to have the obligation modified or discharged after three years.

2.15 The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for making an application to amend planning obligations, including standard forms. The principles for modifying an obligation are that it *"no longer serve a useful purpose"* or *"continues to serve a useful purpose equally well"*

2.16 There has been an amendment (28th Feb 2013) to the 1992 regulation and it is now possible to apply to amend any planning obligations entered into between 28 March 2008 and 6 April 2010. Therefore obligations that were entered into 3 years ago can now be appealed. This amendment will become obsolete in April 2015.

### **Growth and Infrastructure Act (April 2013) – Affordable Housing Modification (S106BA)**

2.17 The Growth and Infrastructure Act (section 7) inserts new clauses into s106 of the 1990 Town and Country Planning Act that introduces a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. The changes require a council to assess the viability arguments, and where necessary renegotiate previously agreed affordable housing levels in a S106, and change the affordable housing requirement or face an appeal.

2.18 An appeal can be made if the authority does not modify the planning obligation as requested, or fails to make a determination within 28 days. Obligations which include a "requirement relating to the provision of housing that is, or is to be made available,

for people whose needs are not adequately served by the commercial housing market" are within scope of this new procedure.

- 2.19 The application and appeal procedure will assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme.
- 2.20 The Government has issued a guidance document to support the changes in the Growth and Infrastructure Act 2013 that provides more detailed information on what is required to modify, and assess requests to modify, the affordable housing provision in a section 106 obligations. This is guidance on the format of the application, appeal and evidence; particularly what viability evidence will be required and how it should be assessed: <https://www.gov.uk/government/publications/section-106-affordable-housing-requirements-review-and-appeal>
- 2.21 These new application and appeal procedures don't replace existing powers to renegotiate Section 106 agreements on a voluntary basis. In addition, this provision related to affordable housing does not replace the provisions to modify an obligation set out in the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 regulations and updated by the 2013 regulations (see above).

### **S106 Agreements and CIL**

- 2.22 The Government viewed S106 as providing only partial and variable response to capturing funding contributions for infrastructure. As such, provision for the Community Infrastructure Levy (CIL) is now in place in the 2008 Planning Act.
- 2.23 In terms of developer contributions, the Community Infrastructure Levy (CIL) has not replaced Section 106 agreements, the introduction of CIL resulted in a tightening up of the S106 tests. S106 agreements, in terms of developer contributions, should be focused on addressing the specific mitigation required by a new development. CIL has been developed to address the broader impacts of development. There should be no circumstances where a developer is paying CIL and S106 for the same infrastructure in relation to the same development.
- 2.24 The balance between the use of S106 and CIL will be different depending on the nature of the area and the type of development being undertaken. There is further guidance on the balance between s106 and CIL set out in the CIL Guidance April 2014: <https://www.gov.uk/government/publications/community-infrastructure-levy>

## **The Local Development Plan**

### **London Plan (2011)**

- 2.25 The Mayor's London Plan July 2011 outlines the Mayor's approach to dealing with issues of strategic importance across London. Policies specifically addressing planning contributions are 8.1, 8.2 and 8.3.
- 2.26 Policy 8.1 - 'Implementation' states that, with regard to enabling development, the Mayor of London will work with boroughs and other key stakeholders to ensure the effective development and implementation of the proposed Community Infrastructure Levy.
- 2.27 Policy 8.2 - 'Planning Obligations' sets out that the Mayor of London will provide guidance on the preparation of frameworks for negotiating obligations in DPDs and the wish that there is a voluntary system of pooling contributions for the provision of facilities related to proposed developments. The policy also sets out that development proposals should address strategic as well as local priorities in planning obligations and that the areas of highest importance are Affordable Housing, funding of Crossrail and other public transport improvements. Climate change, learning and skills, health facilities, childcare provisions and the provision of small shops are also raised as high-importance areas to be addressed in planning obligations.
- 2.28 The Mayor has adopted specific Supplementary Planning Guidance on 'Use of Planning Obligations in the funding of Crossrail' (2010).
- 2.29 Policy 8.3 - 'Community Infrastructure Levy' sets out that the Mayor of London will work with Government and other stakeholders to ensure effective development and implementation of CIL and will prepare guidance for boroughs setting out a clear framework for its application. The focus of this is to ensure that the necessary infrastructure to deliver the policies of the plan – in particular Crossrail and public transport initiatives – can be delivered.
- 2.30 The Mayor has set a London-wide CIL charging schedule. This is a rate that applies to all new development floorspace, with the exception of education and health

floorspace. There are three rates (£50/m<sup>2</sup>, £35/m<sup>2</sup>, and £15/m<sup>2</sup>) which decrease with distance from the centre of London. The Mayoral CIL rate in Haringey is £35/m<sup>2</sup>.

### **Local Plan: Strategic Policies (2013)**

2.31 Haringey's Local Plan: Strategic Policies DPD was adopted in March 2013. This document sets out policies guiding development to fulfil the strategic vision for the borough. There are 17 overarching policies covering many areas, the ones for which planning obligations will be relevant and applicable include:

- SP1 Managing growth
- SP2 Housing
- SP7 Transport
- SP8 Employment
- SP9 Improving skills and training
- SP10 Town centres
- SP13 Open space and biodiversity
- SP14 Health and well-being
- SP15 Culture and leisure
- SP16 Community facilities

2.32 Policy SP17 sets out how the Council will deliver and monitor the Local Plan. This policy introduces the Community Infrastructure Levy as a method for delivering infrastructure alongside S106.

2.33 This policy also sets out how the findings of the Infrastructure Delivery Plan (IDP) will inform how receipts from planning obligations will be spent. The IDP identifies what levels of infrastructure (including education, health, transport, leisure, community facilities and others) will be required to meet the needs of Haringey's expanding and changing population. It also estimates the costs of providing infrastructure items, and identifies where the cost could be footed, or contributed towards by planning

obligations. This document will be updated as necessary to take into account evolving plan making developments, and trends in infrastructure provision.

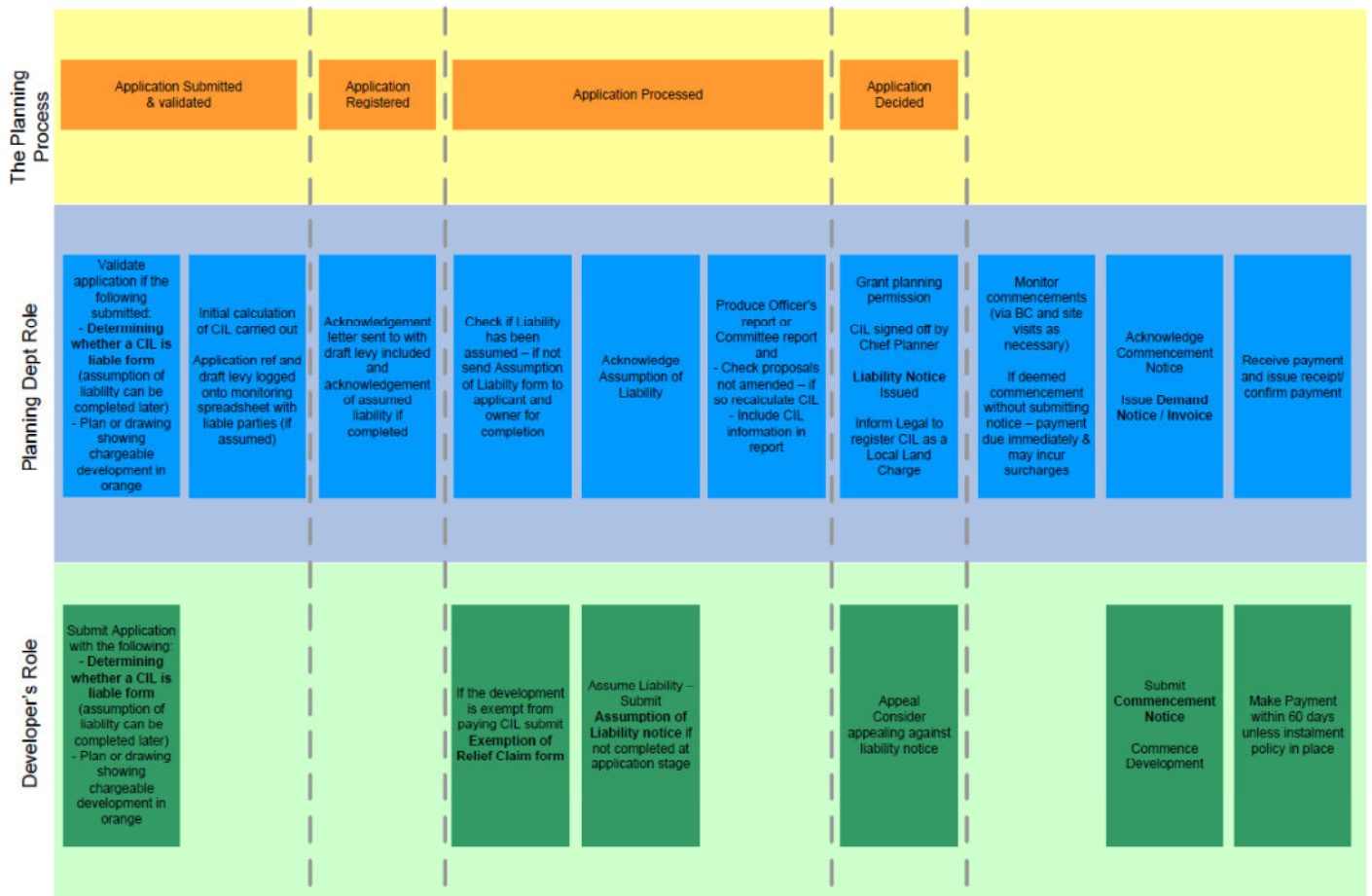
### **Emerging Development Plan Documents (DPDs) (2014)**

- 2.34 Further Local Plan policies are continuing to be progressed. Initial consultations have been held for new Local Plan DPDs for covering Development Management Policies, Site Allocations, and a Tottenham Area Action Plan. It is envisaged that these will be Published in Autumn 2014, with Examination and Adoption in 2015.
- 2.35 There is likely to be a Development Management Policy covering infrastructure giving greater certainty around what types of infrastructure will be expected alongside differing types and scales of development. This will include links to planning obligations.
- 2.36 Site Allocations will provide an indication of the types of infrastructure that will need to be provided on and around a site in order for the development to be acceptable in planning terms. These infrastructure elements will be viability tested to establish what infrastructure enhancements can be supported on each site. These will generally be above and beyond the CIL revenue, which will be pooled and used on priority infrastructure projects.

### 3. LBH's Approach to Planning Obligations

#### CIL

3.1 CIL will be collected using the regulations set out in the CIL Regulations 2010 (amended 2011, 2012, 2013, 2014).



#### Negotiating Planning Obligations through S106

3.2 The process for negotiating and securing planning obligations is set within the framework of national legislation and guidance, regional and local policy and guidance, and other material considerations relevant in each particular case. Planning Obligations are generally agreed before, and secured when planning consent for a site or scheme is granted planning approval.

#### Pre-application Stage

- 3.3 Applicants, agents and developers are encouraged to seek pre-application advice prior to the formal submission of major development proposals <sup>1</sup>within the borough. The pre-application process offers a valuable service for proposed schemes and allows dialogue to resolve any initial concerns which officers envisage may arise during the formal application stage.
- 3.4 The pre-application stage also offers an opportunity for allowing discussion on the design and acceptability of schemes, to negotiate development that reflects policies in the Local Plan, with most impacts being able to be mitigated through the layout, design and conditions. However, some impacts may require positive or negative obligations to mitigate them if conditions are judged to be insufficient. Such mitigation will be achieved through S106 agreements expected on a development site.
- 3.5 Applicants should use this document alongside an analysis of their proposed works to consider the impacts of the proposed scheme and any planning obligations likely to be required to mitigate the impacts of development. These details should be submitted as a draft 'Heads of Terms' document as part of the pre-application submission documentation, to allow officers sufficient time to consider the details contained within the draft 'Heads of Terms'.
- 3.6 During the course of pre-application discussions, where negotiations fail to result in agreement on the draft 'Heads of Terms', the applicant is invited to provide alternative proposals and related justification which will be taken into consideration during the assessment of any future application.
- 3.7 Where the Greater London Authority and/or Transport for London are consulted at the pre-app stage, it may be agreed that there will be a need for a S106/S278 obligation to be entered into in relation to a TfL managed asset.

## **Application Stage**

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<sup>1</sup> Major development is defined in the Town and Country Planning Act as development of 10 residential units or 1000sqm or 0.5ha or greater

- 3.8 As part of its validation checklist the Council requires all applicants for developments of 5 net new housing units or more - contributions required – or major commercial development to submit a S106 Draft heads of terms - All developments of 5 net new housing units or more - contributions required – or major commercial development”
- 3.9 In some cases, such as for major applications, it may be more appropriate that this information is submitted as a separate Planning Obligations Statement alongside a draft ‘Heads of Terms’ document. The Planning Obligations Statement should evaluate how the impacts of the development are to be addressed within the context of this SPD as well as other local, regional and national guidance.
- 3.10 Applications which are submitted without a Planning Obligations Statement/Draft Heads of Terms will not be validated until this information is provided.
- 3.11 During the planning application process, initial advice provided with regard to contribution requirements may be subject to alterations. This is often due to changes following formal consultation and any issues which may arise during the course of an application. ‘Heads of Terms’ must be agreed prior to planning committee meetings and the S106 agreement signed within an appropriate timescale to allow decisions to be issued by officers within the statutory target periods.
- 3.12 If the applicant considers that, in respect of a particular obligation, no provision should be made, the applicant will need to provide sufficient information with their planning application to support their position. If the obligations required by the Council are not agreed to, officers will prepare a recommendation for refusal of the planning application.
- 3.13 In the case of an application referred to a Haringey planning committee, the ‘Heads of Terms’, which have been agreed, will be included within the committee report for information. This will cover:
- Specific financial contributions (such as travel plan contributions, phased contributions)
  - Maintenance contributions for provision of facilities (sports, library)
  - Legal costs
  - Index linked costs

- Providing land or facility for Council/public body
  - On-going monitoring costs
  - Failure to comply with terms
- 3.14 Should members recommend approval of the planning application with planning obligations, this approval will be subject to the completion of the s106 agreement. Following the planning committee, the applicant/agent must complete the s106 agreement within an appropriate timescale in order for the decision notice to be issued.
- 3.15 Should Planning Sub Committee recommend changes or additions to the Draft Heads of Terms, these will need to be agreed to by the applicant in order for the planning permission to be granted.

## **Viability**

- 3.16 In certain circumstances, it may be considered that the viability of a scheme is jeopardised due to site constraints or other factors. It is recommended in such cases that applicants seek pre-application advice from the LPA prior to the formal submission of a planning application.
- 3.17 It is essential that all proposals where viability is considered to be a concern are submitted with a full Viability Assessment which contains sufficient evidence to enable officers to properly assess a scheme.
- 3.18 A Viability Assessment must be completed in accordance with the guidelines set out in the GLA 'Affordable Housing Development Control Toolkit' 2010 or an alternative Toolkit as approved by the Council.
- 3.19 The applicant will be required to meet the Council's cost of evaluating any appraisals which will include the appointment of qualified independent assessors

## **4. Management of Planning Obligations**

- 4.1 The Council starts managing and monitoring each s106 agreement from the moment it is signed. This is a complex process which covers over a thousand legal

documents, all with multiple trigger points and obligations. Haringey Council employs a S106 officer dedicated to overseeing this programme and ensuring the successful delivery of the obligations secured through s106 agreements.

## **Trigger Points**

- 4.2 During the planning application process, trigger points for each obligation will be agreed upon between the developer and the Council. There are established trigger points which are suitable for s106 agreements and triggers selected in each case will be based on the nature of the obligation and the stage at which the mitigation is required. The established trigger points are:
- ☐ Upon the date that the agreement is signed;
  - ☐ Upon or prior to commencement of the development;
  - ☐ Upon or prior to practical completion of the development; and,
  - ☐ Upon or prior to occupation of the development
- 4.3 The Council will encourage the use of these four identified triggers in negotiations, with the commencement of the development being the preferred point for an obligation to be delivered upon. There may be cases where a different trigger point is required on an obligation to those listed above.
- 4.4 Particularly with regard the monitoring of obligations, there may also be a need to have annually linked trigger points to any of the four above, for example monitoring of travel plans, or biodiversity facilities.

## **Interest Bearing Accounts**

- 4.5 When a financial contribution is received it will be placed into an interest bearing account from the date of its receipt. The interest accrued will be applied by the Council to s106 related projects.

## **Penalty Clause and Enforcement of Obligations**

- 4.6 The developer is bound within each s106 agreement to notify the Council upon commencement of the development. Where the Council is not notified and

obligations become overdue the Council will seek to enforce the obligation and will activate the penalty clause.

- 4.7 Outstanding CIL monies will be enforced in line with Regulation 107 of the Community Infrastructure Levy Regulations (as amended).
- 4.8 A clause included in the s106 agreement will ensure prompt payment by inserting a penalty in the form of interest of the Bank of England base interest rate plus 4% of the value of the agreement where payments are overdue.
- 4.9 As a final recourse, where obligations are not complied with, the Council will take legal action against those in breach of a s106 agreement in line with the Planning Compensation Act 1991. This includes:
- a) The issuing of injunctions
  - b) Entering the land and carry out the operations; and
  - c) Recovery from the person or persons against whom the obligation is enforceable any expenses reasonably incurred by the Council in doing either (a) or (b).
- 4.10 Before an authority exercise their power under the 1991 Act it is required to give not less than twenty-one days' notice of their intention to do so to any person against whom the planning obligation is enforceable. Any person who wilfully obstructs a person acting in the exercise shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 4.11 Nonfinancial planning obligations are also legally binding and where not provided according to the terms of the s106 agreement may be legally enforced by the Council.

## **Complying with Planning Obligations – the Developer’s Role**

### **Complying with Financial Obligations**

- 4.12 Where a s106 agreement contains a financial obligation, details of how to make the payment to the Council are provided. A payment form as standard will be appended

to the agreement and any payments should be made using this form, following the instructions provided. The payment can be made through BACS/CHAPS, cheque or postal order. Once received, the payment will be logged onto the Council's systems.

### **Index-Linking Payments**

- 4.13 Financial contributions will be index-linked in order to allow for the fluctuation of prices between the date the agreement is signed and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index, from the date the s106 agreement is signed to the date of payment. The additional amount paid on top of the financial contribution adjusts the contribution in accordance with inflation.
- 4.14 The method of indexation will be specified within the legal agreement and will usually either be the Retail Price Index (RPI) published by the Department of Trade and Industry (DTI) or the Building Cost Information Service Index (BCIS) published by the Royal Institution of Chartered Surveyors (RICS), depending on the nature of the contribution. In the event that the index shall decrease, the contribution shall not fall below the figure set out in the s106 agreement.

### **Complying with In-kind Contributions**

- 4.15 Where an in-kind obligation is required through a s106 agreement the developer should provide evidence of compliance with the obligation to the Council, as outlined in the terms of the specific clauses. This evidence should be provided to the Council's Planning Obligations Officer. If approval is required from the Council on an element of the in-kind obligation, the Planning Obligations Officer should be the first point of contact.

## **Monitoring and Delivery of Planning Obligations – the Council's Role**

### **Monitoring and Implementation**

- 4.16 The requirement on the Council to monitor all aspects of S106 agreements carries a financial cost that constitutes an impact from new development. Accordingly, the Council will include a monitoring fee as a financial contribution for each S106 agreement. All planning obligations, whether financial or in-kind, require monitoring to

ensure the obligation is fully complied with and in line with the trigger date as well as the relevant legal requirements.

- 4.17 Planning Obligations relating to Monitoring and Implementation will be sought for all developments requiring a s106 agreement. The Council will require a contribution of 5% of the financial value of the obligation as agreed at the time of grant of planning permission. This is in line with the CIL regulations. Expenditure incurred in creation of the CIL charging schedule will be recouped through the monitoring proportion of CIL payments.

### **Non-Financial Obligations**

- 4.18 The delivery of non-financial contributions, or in-kind obligations, will be monitored by the appropriate service areas responsible for project delivery. For example, where there is an Affordable Housing element to a legal agreement, the Affordable Housing Team will monitor this section of the agreement to ensure that it is complied with.

### **Financial Contributions**

- 4.19 Once a financial contribution is received by the Council the service area or organisation with the responsibility for delivery of the s106 project will be informed. Projects funded through planning contributions will be selected through strategic objectives, which identify the infrastructure needed within the borough through public consultation and work undertaken by the individual service areas in the Council.

## **5. The Interaction between Planning Obligations & CIL**

- 5.1 Following the adoption of the Haringey CIL Charging Schedule, CIL will replace Section 106 Agreements as the primary tariff-based system to funds to provide infrastructure to support sustainable development within the borough.
- 5.2 Section 106 agreements will remain, but in terms of funding infrastructure, will now generally be tied to specific developments. for local infrastructure requirements on development sites, such as site specific provision of amenity / open space and connection to utility services (as required by legislation) and other site specific requirements. It remains possible to pool up to 5 non-CIL planning obligations, which enables some flexibility for exploiting infrastructural synergies between large developments.
- 5.3 The provision of affordable housing lies outside of the remit of CIL and will continue to be secured through Section 106 Agreements.
- 5.4 All eligible developments must pay CIL, as well as contribute to any site specific requirements to be secured through Section 106 Agreements. Further details on the levy charge can be found in the Haringey Community Infrastructure Levy Charging Schedule and should be read in conjunction with this document.
- 5.5 CIL will only be used to fund infrastructure identified on the Council's Regulation 123 List. This means CIL is an appropriate delivery mechanism for infrastructure which can be anticipated based on a general trend of population growth resulting from development, rather than bespoke pieces of infrastructure necessitated by a specific scheme.
- 5.6 The Council has published on its website a Regulation 123 List, as required by the Community Infrastructure Levy Regulations 2010 (as amended), of those projects or types of infrastructure that it intends to fund through the levy. This list will be periodically updated to reflect updates to the Infrastructure Delivery Plan, and the latest Council funding priorities.

5.7 There is a requirement in the CIL regulations for a “reasonable amount” of CIL revenue to be made available in the area in which the development is built. In early 2013 the government announced the amount of CIL to be spent locally (a ‘meaningful amount’) would be 15% with a cap at £100 per council tax dwelling for all areas with a Parish Council in England. For areas with an adopted neighbourhood plan this would be 25% with no cap.

5.8 A number of the strategic sites to be identified in the Haringey Site Allocations DPD may also have a requirement to provide one or more specific pieces of infrastructure. The Council may accept CIL payment ‘in-kind’ for these, such as through the provision of land.

### Approach to Development Mitigation and Infrastructure Delivery

5.9 The table below summarises the approach that the Council intends to take to the relationship between CIL and S106/S278 Planning Obligations post CIL adoption. They also address the intended approach to be taken to the strategic sites identified in the Haringey Development Management DPD (Proposed submission version anticipated October 2014), where there is a requirement to provide one or more specific pieces of infrastructure.

5.10 The policy approach to the particular types of obligations and charges that will be required in connection with any development are discussed further in chapters 6-10. The tick box tables below are intended as an indicative reference guide.

Infrastructure		Delivery Mechanism	
Infrastructure Theme	Specific Requirement	Planning Obligation	CIL
<b>Community Facilities</b>	Multi-Use Community Facilities, Youth Centres, Libraries, Leisure Centres	<b>X</b>	✓
<b>Education</b>	Primary School	<b>X</b>	✓
	Secondary School	<b>X</b>	✓
<b>Health</b>	Primary Care Facilities	<b>X</b>	✓
<b>Affordable Housing (section 6)</b>	Provision of on-site affordable housing	✓	<b>X</b>
	Provision of off-site affordable housing	✓	<b>X</b>
<b>Employment and Training (section 7)</b>	Provision of employment and training facilities	<b>X</b>	✓
	Construction phase skills and training	✓	<b>X</b>

	End user skills training	✓	X
	Compensation for loss of employment land	✓	X
<b>Transport and Highways (section 8)</b>	Strategic borough-wide transport improvements	X	✓
	Site-specific transport and highway measures to make development acceptable	✓	X
<b>Open Space and Public Realm (section 9)</b>	Public Open Space/public parks, including improvements to existing facilities	X	✓
	Borough-wide improvements to Street scene and built environment	X	✓
	Public art not linked to a development site	X	✓
	Public art on or immediately adjacent to a development site	✓	X
	Site-specific improvements to ensure new developments make a positive contribution to the on-site public realm, and their immediate surrounds.	✓	X
<b>Environmental Sustainability (section 10)</b>	Carbon Reduction Measures/Initiatives	✓	X
	Creation of new decentralised energy capacity	X	✓
	Ensuring new developments are/can be connected to existing/future decentralised energy networks	✓	X
	Biodiversity Measures/Initiatives	✓	X
	Strategic Flood Mitigation	X	✓
	Site-specific flood mitigation	✓	X

### **Potential Future CIL-funded infrastructure: Education facilities**

5.11 The provision of primary and secondary education facilities are considered to be strategic infrastructure in the borough, and subject to proposals coming forward which the Council endorses through its budget setting process, will be included on the Regulation 123 list for part-funding through CIL revenues.

### **Potential Future CIL-funded infrastructure: Health facilities**

5.12 The provision of health facilities are considered to be strategic infrastructure in the borough, and subject to proposals coming forward which the Council endorses through its budget setting process, will be included on the Regulation 123 list for part-funding through CIL revenues.

## **Potential Future CIL-funded infrastructure: Community facilities**

- 5.13 The provision of skills community facilities including youth centres, libraries, and leisure centres are considered to be strategic infrastructure in the borough, and subject to proposals coming forward which the Council endorses through its budget setting process, will be included on the Regulation 123 list for part-funding through CIL revenues.

## **Payments in Kind in Lieu of CIL**

- 5.14 On sites allocated to deliver infrastructure facilities, the Council may accept payments in-kind, in the form of land, in lieu of a CIL payment to deliver community facilities identified in the Infrastructure Delivery Plan.
- 5.15 The regulations governing this are set out in section 73 of the CIL Regulations.
- 5.16 The agreement to pay in kind cannot form part of a S106 planning obligation. An agreement to pay in kind must be entered into before the chargeable development is commenced.

## **6. Affordable Housing**

- 6.1 The Council will secure affordable housing through planning obligations, in accordance with the approach outlined in the Local Plan: Strategic Policies.

### **Non-Financial contribution: Provision of on-site affordable housing**

- 6.2 Wherever possible, affordable housing will be provided on site to contribute towards the borough-wide target of 50% affordable homes.

### **Financial Contribution: Provision of off-site affordable housing**

- 6.3 Financial payments to the Council in lieu of affordable housing are not normally acceptable and are seen as the last resort because they provide fewer affordable units. Cases where a financial payment can be made are:
- Where no RSL is willing to take the units on;
  - The size of the site is too small;
  - Practicalities of design;
  - The site falls within an area of high concentrations of affordable housing.
- 6.4 The financial sum agreed will be paid into an affordable housing fund to be used to finance developments throughout the borough. The financial contribution sought will reflect the fact that the facilitating site achieved 100% private market housing. Therefore the financial contribution should be sufficient to build the same amount of affordable housing, as units on the facilitating site, elsewhere in the borough. The contribution should allow the units to be built without subsidy and will be based on the amount of average grant that would have been received.

### **Financial Contribution: Provision of off-site affordable housing on smaller residential development sites**

- 6.5 Local Plan policy SP2 sets a target of achieving 20% affordable units on sites of 1-9 net units.

- 6.6 The contribution level will be calculated using a residual land value approach, with the difference in value of providing an affordable unit included, in order to establish a robust per unit contribution that reflects both the 20% requirement in the policy, and viability in the Borough.
- 6.7 As identified in the CIL Viability Study completed by BNP Paribas (March 2013), viability varies widely across the borough, with significantly higher (£5,100-£6,300) levels in the west of the borough, compared to the east (£3,200-£3,500). Thus, in order to reflect viability, a range of rates will be applied across the borough. These land values are expected to change over time, and as such will be kept under review, and published in the technical appendix to this document.
- 6.8 The table below sets out what the Council believes to be a conservative approach to calculating an appropriate level of contribution that will be sought on sites of 1-9 net additional units using the values identified above.

Location	West	Centre	East
Value of market housing £/m <sup>2</sup>	£5,100	£4,800	£3,200
Residual Land Value (RLV) (assumed 38% of market value <sup>2</sup> )	£1,938	£1,824	£1,216
Cost of preparing a site and servicing 1m <sup>2</sup> affordable residential floorspace at this location (assumed 15% of RLV)	£291	£274	£182
RLV, plus cost of preparing and servicing 1m <sup>2</sup>	£2,229	£2,098	£1,398
20% of contributory element	£446	£420	£280
-20% contingency factor	£357	£336	£224

- 6.9 The 2014 rates to be collected for provision of off-site financial contribution on sites of 1-9 net units, in line with Haringey Local Plan policy SP2 is:
- Seven Sisters, Tottenham Green; Tottenham Hale; West Green, Bruce Grove, White Hart Lane, Northumberland Park; St Ann's wards: **£224 per m<sup>2</sup>**.
  - Noel Park, Woodside, Bounds Green, and Harringay wards: **£336 per m<sup>2</sup>**.
  - Alexandra, Fortis Green, Crouch End, Muswell Hill, Hornsey, Highgate wards: **£357 per m<sup>2</sup>**.

<sup>2</sup> The 38% and 15% assumptions have been used in similar policies in Merton and Waverley.

- 6.10 An agreement to provide the required financial contribution will be secured at the submission of a relevant planning application. This will be enforced through the signing of a Unilateral Undertaking by the applicant.
- 6.11 The financial sum agreed will be paid into an affordable housing fund to be used to finance developments throughout the borough.

## **7. Employment and Skills Training**

- 7.1 Haringey has an above average unemployment level within Greater London, and a relatively low ratio of jobs to working age residents. Currently 48% of jobs within Haringey are taken up by Haringey residents. There is also a skills mismatch, with new employment opportunities requiring skills which are not widely available within the borough's current residential population. Employment opportunities should be provided through new development to local residents, with training made available to up-skill residents to compete for jobs within the borough.
- 6.9 For all new development in the borough the construction phase provides opportunities for local employment, apprenticeships and work experience placements. Commercial developments within the borough bring new employment, apprenticeship and work-experience opportunities for residents during the end-user phase. This adds increased pressure on the Council to provide access for residents to appropriate employment and skills training. Apprenticeships and work experience placements will enable residents to develop an appropriate skill-set for existing and future employment opportunities within the borough, from an early age.

### **Potential Future CIL-funded infrastructure: Skills and Employment facilities**

- 6.10 The provision of skills and employment facilities are considered to be strategic infrastructure in the borough, and subject to proposals coming forward which the Council endorses through its budget setting process, will be included on the Regulation 123 list for part-funding through CIL revenues.

### **Financial/Non financial Contribution: Construction Phase Skills and Training**

- 6.11 Policy 4.12 of the London Plan 2011 states "Strategic development proposals should support local employment, skills development and training opportunities", and goes on to state in the supporting text (para 4.62) that planning should aid in "providing for training facilities in new developments creating high levels of jobs, to help the skills of local people match the needs of London's growing economy".

- 6.12 The Council will seek to ensure that jobs are provided for local people, both in the construction phase of development and by the end-users, where appropriate. To enable local people to benefit from development growth the Council, with partners, has introduced a number of programmes to support job brokerage, employer-led training, construction skill training and apprenticeships and work experience placements.
- 6.13 The 2011/12 Annual Monitoring Report highlighted the difficulty in enforcing on-site local employment schemes in the construction phase, compared to the relative success of collecting agreed financial contributions. It is therefore logical that this practice is standardised.
- 6.14 All developments of 10 residential units or more, or 1000m<sup>2</sup> non-residential floorspace or greater will be required to notify the council and its approved employment support providers of any vacancies arising in the construction phase.
- 6.15 For all major developments between 10-100 gross residential units or 1,000-10,000m<sup>2</sup> of non-residential floorspace, the Council will seek to secure a financial contribution to support local residents in accessing the new job opportunities in the construction phase. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 6.16 The contribution is linked to the development value of the scheme. Training for one local resident will be expected per £1m of development value. This equates to £2,800 per £1m of development value.
- 6.17 For developments over 100 gross residential units, or 10,000m<sup>2</sup> of non-residential floorspace, a bespoke plan will be required, identifying value at least to the level using the methodology set out in paragraph 7.8. Specifically the plan will be expected to include:
- Provide apprenticeship places for Haringey residents as part of the bespoke plan;
  - Provide a long range forecast of vacancies as part of their bespoke employment and skills plan.

6.18 Where appropriate the Council may consider whether a developer's in-house training programme can be utilised in lieu of the construction phase skills and training contribution, on the basis that the local residents achieve a minimum requirement as secured through an in-kind obligation. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.

### **Financial / non-financial contribution: End-user Phase Skills and Training, Local Enterprise arrangements, and Apprenticeships**

6.19 For the end-user phase of commercial developments the Council will seek to ensure that local residents have the opportunity to access the new job opportunities created by the development.

6.20 Developments of between 1,000m<sup>2</sup> and 10,000m<sup>2</sup> of commercial floorspace will be required to make a financial contribution which will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

6.21 The required contribution can be calculated as follows:

- Stage 1: Calculate the number of local employees expected to be employed on the site: This equates to 48% of workers, using 16m<sup>2</sup>/worker in the new development.
- Stage 2: Calculate the cost of providing support to access new roles to that proportion of residents expected to require such support. This equates to 29% of local residents, using £2,800 as the cost of providing training.
- The calculation: (new commercial floorspace m<sup>2</sup>/16) \* 48% \* 29% \* £2,800
- This equates to **£24/m<sup>2</sup>** of new commercial (B1, B2, B8) floorspace.

### **Bespoke plan for larger end-use sites**

6.22 For commercial developments of 10,000m<sup>2</sup> or greater a bespoke plan will be required, of at least equivalent value to the formula set out in paragraph

6.23 The plan will include forecasting and notification of vacancies to the council and its employment and skills partners to allow for appropriate training and support to be put in place.

## **Financial Contribution: Compensation for loss of employment floorspace/land on major sites**

6.24 Policy SP9 of the Local Plan sets out the expectation that financial contributions will be captured on developments that create a loss of employment space in the borough. Contributions should be used to promote employment and adult education in the borough and are calculated based on the average costs of supporting any Haringey residents losing a job as a consequence of the development into a new role.

6.25 The potential net loss of employment floorspace in terms of job numbers is one job for each 44m<sup>2</sup>, based on the borough average identified in the From Around Here Study (2013). On average 48% of roles in any Haringey workspace are filled by Haringey residents. The estimated cost of supporting and retraining a redundant worker to access a new role is £2,800. Costs payable per development are calculated as follows:

- Stage 1: Calculate the potential local jobs lost to Haringey Residents: this equates to 48% of the lost potential jobs on the site, using 44m<sup>2</sup>/worker on the site at present.
- Stage 2: Apply the support and training contribution to the numbers of jobs lost: (answer to Stage 1) \* £2,800
- The calculation: (lost employment floorspace m<sup>2</sup> / 44) \* 48% \* £2,800
- This equates to **£30/m<sup>2</sup>** of lost employment floorspace

## **8. Transport and Highways**

- 8.1 The provision of a safe, accessible, efficient, sustainable and integrated transport network is important to ensuring everyone has access to services within and outside the borough. The Council is committed to promoting high quality public transport services and delivering an attractive, well designed street network that reduces the need for travel by private modes of transport.
- 8.2 New development in the borough will place additional stress on the borough's transport and highway networks. Investment in public transport infrastructure, bus services, local cycle routes, pedestrian and cycle safety education and training, travel awareness publicity, sustainable freight activities and interchange accessibility improvements is required to mitigate this impact.
- 8.3 Transport Assessments and Transport Statements will be required to establish the impacts of the development on surrounding transport networks. These will be used to identify issues for which conditions and planning obligations will be required to mitigate.

### **Potential Future CIL-funded infrastructure: Strategic borough-wide transport improvements**

- 8.4 The provision of borough-wide or national/regional transport networks are considered to be strategic infrastructure in the borough, and subject to proposals coming forward which the Council endorses through its budget setting process, will be included on the Regulation 123 list for part-funding through CIL revenues.
- 8.5 In addition planning contributions to fund Crossrail will be negotiated in line with the Mayor of London's requirements as set out in the Crossrail Supplementary Planning Guidance (SPG) 2010 and policy 6.5 of the London Plan 2011.

### **Site Specific Obligation: Highway works to make development acceptable**

- 8.6 Where individual developments will cause a site-specific impact which should be directly addressed through the development itself, the Council will use planning obligations to mitigate the impact of the development.
- 8.7 Developments in the borough should provide the necessary additional transport/highway improvements to mitigate the impact of the travel demand they generate. Any necessary alterations to the transport/highway network within or in the vicinity of new development will be expected to be incorporated within proposals, and permission will be refused if the developer is unwilling or unable to provide the necessary solutions.
- 8.8 The scope of any off site works required to mitigate the impact of a development within the vicinity of the site will be secured under a S106 obligation. Any highway works identified as part of the S106 will be carried out by the Council with the developer responsible for meeting all costs associated with the design and implementation of schemes. This may be secured through a Section 278 agreement under the Highways Act 1980.

### **Financial Contribution: Transportation measures mitigating the transport impacts of development through a Travel Plan**

- 8.9 Local Plan Policy SP7 requires the submission of Travel Plans for large scale proposals in line with TfL guidance. The guidance sets thresholds for Travel Plan Statements and Full Travel Plans, and what is expected from each type of document. Where the Council deems it necessary, it may require a Travel Plan on sites below the threshold set in the TfL guidance.
- 8.10 Where measures are identified as part of a Travel Plan, the Council will seek to secure financial obligations to mitigate the impact of a development proposal.

## **9. Open Space and Public Realm**

- 9.1 The borough as a whole is deficient in open space and publically accessible open space. New and improved space and improved access to existing open space is required to serve the growing population in Haringey. In accordance with the Local Plan: Strategic Policies, the Council will seek to deliver a network of open space through maximising opportunities for new publically accessible open space and connection to the Green Grid
- 9.2 The quality of the public realm has an impact upon the way in which an area is perceived and experienced. A high quality public realm offers many benefits to people, communities, the environment and local economy and functions as an important place for community cohesion and leisure activities. It also has direct benefits for local people by improving safety, wellbeing, legibility of the built environment, and links between key services such as schools, health services, town centres and places of employment.

### **Potential Future CIL-funded infrastructure: Strategic open space improvements**

- 9.3 The provision of new and enhanced publically-accessible open spaces (Metropolitan Open Land, Strategic Local Open Land) are considered to be strategic infrastructure in the borough, and subject to proposals coming forward which the Council endorses through its budget setting process, will be included on the Regulation 123 list for part-funding through CIL revenues.

### **Potential Future CIL-funded infrastructure: Strategic Improvements to Street Scene and the overall Public Realm**

- 9.4 The provision of enhanced street scene improvements, and transport/highways improvements not linked to capacity or safety improvement are considered to be strategic infrastructure in the borough, and subject to proposals coming forward which the Council endorses through its budget setting process, will be included on the Regulation 123 list for part-funding through CIL revenues.

### **Non-Financial Obligation: On-site Open Space, Public Realm,**

- 9.5 On-site public, communal, amenity and private open spaces will be required on new development sites in line with standards set out in the Mayor's Housing Design Guide SPG.
- 9.6 Certain children's play areas [local playable space] will be expected to be delivered and maintained in perpetuity as part of major developments sites in line with standards set out in the Mayor's Housing Design Guide SPG and Shaping Neighbourhoods: Play and Informal Recreation SPG.

### **Financial/ Non-Financial Obligation: On-site Open Space, Public Realm, and Public Art**

- 9.7 Public art will be expected to be delivered as a co-ordinated part of certain developments. This may be on or directly adjacent to the site. Sites which will be expected to include public art may be identified in the Local Plan. Where public art is required as part of a development the developer will be expected to either provide it on-site, or pay for it to be provided.
- 9.8 For all of these site-specific undertakings, it will be expected that any items provided on-site will dovetail with strategic pieces of public realm enhancement as set out above. How this is achieved will be negotiated on a site-by-site basis.

### **Non-financial Obligation: Heritage**

- 9.9 Where there are heritage assets on a site that are required to be maintained, repaired or enhanced as part of a development, this work will, where necessary, be required as part of an enabling planning obligation.

## **10. Environmental Sustainability**

- 10.1 The promotion of renewable, sustainable forms of energy and enhancements to wildlife biodiversity within Haringey is important to ensuring the borough is environmentally sustainable. Local Plan policy SP4 sets out how the council will ensure all new development contributes to securing a low carbon future for the borough.

### **Non-financial Obligation: Energy and Water Efficient development**

- 10.2 New development increases the demand for energy supply and requires solutions and innovation to reduce consumption and thereby promote and provide new renewable energy sources and sustainable development.
- 10.3 The Council strongly supports the development of energy efficient buildings and ensuring all new homes are built to zero carbon standards (as defined by DCLG) by 2016 and all new nondomestic developments are built to zero carbon standards by 2019.

### **CO2 Reduction**

- 10.4 Where officers consider all opportunities to meet the relevant Local Plan policy carbon dioxide reduction targets on-site have been exhausted, contributions to delivering carbon reduction projects will be sought to meet the shortfall.
- 10.5 Reflecting relevant Government and London Plan policies and guidance as appropriate, (including any further relevant guidance produced by the LBH), the remaining carbon emissions will be offset using the latest price as set out in the technical appendix to this document, through providing new and additional opportunities to reduce carbon emissions from existing housing in the Borough or community energy saving programmes or other initiatives.

### **Decentralised Energy**

- 10.6 The London Plan sets the target of 25 per cent of the heat and power used in London to be generated through the use of localised decentralised energy systems by 2025.

In order to achieve this target the Mayor prioritises the development of decentralised heating and cooling networks at the development and area wide levels, including larger scale heat transmission networks. It also states that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites. Major development proposals should select energy systems in accordance with the following hierarchy:

- 1 Connection to existing heating or cooling networks;
- 2 Site wide CHP network;
- 3 Communal heating and cooling;

10.7 The Local Plan policy SP4: Working towards a Low Carbon Haringey requires all developments to assess, identify, and implement, where viable, site-wide and area-wide decentralised energy facilities including the potential to link into a wider network, and prioritise connection to existing or planned networks where feasible.

10.8 Where a decentralised energy network exists proximate to a site, it will be expected that the site is connected to it.

10.9 Where an identified future decentralised energy network exists proximate to a site it will be expected that the site is designed so that it can easily be connected to the future network when it is delivered. A future connection will only be required for sites proximate to networks identified in the Council's decentralised energy plan.

### **Potential Future CIL-funded infrastructure: Creation of decentralised energy Networks**

10.10 Future networks for decentralised energy are identified in the Council's decentralised energy plan. These will be incorporated into the Council's Infrastructure Delivery Plan, and may receive CIL funding if recognised as a Council priority in the Capital Budget. These works will consist primarily of the linking up of decentralised energy hubs.

### **Non-financial Obligation: Connection to existing or future decentralised energy networks**

10.11 Where a site is located within a suitable distance (as identified in the Development Management DPD), it will be expected to connect to an existing or make provision for connection to a future proposed local decentralised energy network.

### **Non-financial Obligation: Creation of decentralised energy hubs**

10.12 Where identified in the Council's Decentralised Energy Plan and/or Site Allocations DPD, developments will be expected to incorporate decentralised energy hubs into new developments.

### **Biodiversity**

10.13 The quality of the physical environment is under increasing pressure in Haringey with a growing population and significant development demands. The Council recognises the importance of responding to the impacts of climate change and an increasingly dense cityscape by maintaining and encouraging biodiversity within the Borough.

10.14 Policy SP13 of the Local Plan manages how new development should protect and improve the biodiversity and habitats that exist on a site during a redevelopment. The first option should be to avoid adverse impact to the biodiversity interest on-site.

### **Financial/Non-financial Obligation: Mitigation of impact on biodiversity**

10.15 The London Plan states that in addition to making a positive contribution to protecting, enhancing, creating and managing biodiversity, development should prioritise assisting in achieving targets in biodiversity action plans or improve access to nature in areas deficient in accessible wildlife sites.

10.16 In very exceptional cases where a developer cannot protect an ecological habitat on or adjacent to the site and permission to develop is granted, a planning obligation will be required to provide compensatory measures of equal or greater value. This should be located as close to the site as possible, and could include enlarging or enhancing existing nature conservation assets.

10.17 The works should be guided by a report from a qualified member of CIEEM and agreed by the Council. However the developer needs to demonstrate how they will identify and secure funding to carry out the works to enhance the site and where necessary purchase a site.

### **Potential Future CIL-funded infrastructure: Expansion and Enhancement of Sites of Nature Conservation**

10.18 The London Plan states that development proposals should prioritise achieving targets in the BAP and or improve access to nature in areas deficient in accessible wildlife sites.

10.19 Haringey has a Biodiversity Action Plan in place that present clear options to help mitigate the impacts of development on biodiversity. Opportunities to address areas of deficiency in access to wildlife sites and create new green infrastructure linking up sites Projects from the BAP will be incorporated into the Council's Infrastructure Delivery Plan, and may receive CIL funding if recognised as a Council priority in the Capital Budget.

### **Potential Future CIL-funded infrastructure: Flood Remediation**

10.20 The provision of strategic flood mitigation developments are considered to be strategic infrastructure in the borough, and subject to proposals coming forward which the Council endorses through its budget setting process, will be included on the Regulation 123 list for part-funding through CIL revenues.

### **Financial/Non-financial Obligation: Mitigation of impact on biodiversity**

10.21 Development requiring on-site flood mitigation will generally be controlled by condition, and will not be granted planning approval unless design certainty over what constitutes an acceptable mitigation is provided and agreed.

10.22 In very exceptional cases where a developer cannot protect flood mitigation on or adjacent to the site and permission to develop is granted, a planning obligation will be required to provide compensatory measures elsewhere. This will in agreement with the Environment Agency.

## Appendix: List of variables to calculate contributions (May 2014)

### Affordable Housing

Location	West	Centre	East
Value of market housing £/m <sup>2</sup>	£5,100	£4,800	£3,200
Residual Land Value (RLV) (assumed 38% of market value <sup>3</sup> )	£1,938	£1,824	£1,216
Cost of preparing a site and servicing 1m <sup>2</sup> affordable residential floorspace at this location (assumed 15% of RLV)	£291	£274	£182
RLV, plus cost of preparing and servicing 1m <sup>2</sup>	£2,229	£2,098	£1,398
20% of contributory element	£446	£420	£280
-20% contingency factor	£357	£336	£224

The rates to be collected for provision of off-site financial contribution on sites of 1-9 net units, in line with Haringey Local Plan policy SP2 is:

- Seven Sisters, Tottenham Green; Tottenham Hale; West Green, Bruce Grove, White Hart Lane, Northumberland Park; St Ann's wards: **£224 per m<sup>2</sup>**.
- Noel Park, Woodside, Bounds Green, and Harringay wards: **£336 per m<sup>2</sup>**.
- Alexandra, Fortis Green, Crouch End, Muswell Hill, Hornsey, Highgate wards: **£357 per m<sup>2</sup>**.

All-In Tender Price Index of construction costs will be calculated annually.

CO<sup>2</sup> Price = £XXX/Tonne

<sup>3</sup> The 38% and 15% assumptions have been used in similar policies in Merton and Waverley.