

North London Business Park – The Community Infrastructure Levy Regulations 2010 – Regulation 122(2). CIL Compliance Statement

The obligations summarised below are agreed jointly by the Appellant and the Council to be: (a) necessary to make the development acceptable in planning terms; (b) directly related to the Development; and (c) fairly and reasonably related in scale and kind to the development for the purposes of regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Required Obligation	Provision in agreement for delivery	Policy Background	CIL Compliance Reg.122
On-Site affordable housing contribution	<p>95 units will be provided in Phase 1, comprising 38 London Affordable Rent units and 57 shared ownership units.</p> <p>21% affordable housing (512 units) to be provided across the whole development (2,419 units), comprising 246 Affordable Rent units and 266 Shared Ownership units, representing 35% of the additional residential units from the consented scheme, being the maximum viable amount that can be delivered on the site. The exact mix will depend on detailed design of the later phases and will be confirmed at reserved matters stage for each outline phase.</p>	<p>London Plan Policies H4, H5, H6 and H7</p> <p>GLA 'Affordable Housing and Viability SPG'</p> <p>Barnet Local Plan (Development Management) Policy DM10</p> <p>Barnet 'Affordable Housing SPD'</p>	<p>Necessary – The provision of an affordable housing contribution is required for compliance with Local Plan policy DM10 and London Plan policies H4-H7. Affordable housing is essential to delivery of mix of housing to meet the needs of the community and provide mixed balanced communities. The provision of 21% affordable housing falls below local and London Plan policy targets however represents 35% of the additional units from the consented scheme and is supported by viability evidence which is agreed by the Council and GLA as being the maximum viable amount. Early, mid and late stage review mechanisms are secured in the event that planning permission is granted to ensure any improvement to viability is captured.</p> <p>Directly related – Affordable housing to be provided on site as an integral part of the proposed residential development. Proposal will contribute to the affordable housing need for LB Barnet. The extent of the affordable housing contribution is supported by agreed viability evidence and subject to viability review mechanisms.</p> <p>Fair and Reasonable – The extent of the affordable housing contribution is directly related in scale and kind to the development as meets the threshold approach as set out in London Plan policy H5 and accordingly is proportionate.</p>
School plot	Provision of a plot for a five-form entry school.	<p>London Plan Policy S3</p> <p>Barnet Local Plan (Development Management) policy DM13</p>	<p>Necessary – The proposed school is required to help to meet Barnet's education needs by providing a purpose built Secondary School which would replace the existing substandard accommodation which St Andrew's the Apostle is utilising at the moment.</p> <p>Directly related – The obligation is related to the site, as the existing school forms part of the development site.</p> <p>Fair and Reasonable – The requirements are proportionate to the scale of residential led development offered.</p>
Community use agreement (school)	The principle of a Community Use Agreement with the School is agreed and details will be secured in the S106 Agreement.	Barnet Local Plan (Development Management) policy DM13	<p>Necessary: Need to ensure community use is secured so that the community are able to access the facilities in the long-term.</p> <p>Directly related: The obligation is directly related to the site and there is a need for such facilities, as confirmed by Sports England.</p> <p>Fair and Reasonable: The obligation is proportionate to the scale of residential led development offered.</p>
Details of delivery of SME business space	The principle of providing SME workspace, tenancy details and rental costs will be agreed in the S106 Agreement.	<p>London Plan Policy E11</p> <p>Barnet 'Delivering Skills, Employment, Enterprise and Training from Development through S106' (SEET)</p>	<p>Necessary – London Plan policy E11 expects development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both construction and end-use phases. The SME business space will help deliver these employment opportunities.</p> <p>Directly related – The obligation is related to the site.</p> <p>Fair and reasonable – The requirements are proportionate to the scale of the commercial offering.</p>

Provision of community and health care space	<p>The principle of providing community and health care space, and the quantum proposed through the Appeal Scheme is acceptable and details will be agreed in the S106 Agreement:</p> <ol style="list-style-type: none"> 1) Comer to deliver a long leasehold interest (not less than 99 years) of a shell of the new Centre to CWC (or alternative provider to be agreed in writing with the Local Planning Authority) in a position and configuration agreed by the Council within Block 3A; 2) The shell to be available for community provision and uses within Class E; 3) The Lease to reserve a peppercorn rent and a service charge that is directly related to the Centre's uses and not the overall upkeep of the new development; 4) The long leasehold to include the use of appropriate car parking and an ambulance bay in locations agreed by the Council. 	<p>London Plan policy S2 and GG1</p> <p>Barnet Local Plan (Development Management) policy DM13</p>	<p>Necessary – The provision of healthcare facility, if a healthcare provider takes the space, would provide healthcare services to residents and other nearby residents and allow better access to health services for the local population.</p> <p>Directly related – On site provision of a health facility would contribute to meeting health demands of occupiers and other residents in the local area.</p> <p>Fair and reasonable – Obligation meets a required need but allows flexibility for alternative community provision if a healthcare provider does not wish to take up the floorspace and operate a health facility from the development.</p>
Local employment agreement	<p>Shall include forecasting of job opportunities; Notification of job vacancies; Local labour target; Jobs brokerage and skills training; Apprenticeships and work experience; Use of local suppliers and delivery of specific LEA targets in regards to providing identified number of apprenticeships or alternative cash sum.</p>	<p>London Plan Policy E11</p> <p>Barnet 'Delivering Skills, Employment, Enterprise and Training from Development through S106' (SEET)</p>	<p>Necessary – London Plan policy E11 expects development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both construction and end-use phases. Barnet's SEET SPD identifies in Table 1 that the threshold of delivery for SEET requirements is a residential of mixed use development of 25+ units. The provision of SEET opportunities is essential to ensure that residents benefit from the job opportunities created by new developments across the borough.</p> <p>Directly related – The obligation is related to the site.</p> <p>Fair and reasonable – The requirements are directly proportionate to the construction costs of the site.</p>
Provision of minibus shuttle bus provision in perpetuity	<p>Details of the number of vehicles, frequency of movement and mechanism of funding to be agreed in the S106 Agreement.</p>	<p>London Plan policy T3 and T4</p> <p>Barnet Local Plan (Development Management) policy DM17</p>	<p>Necessary – Due to increased occupation of the site, the contribution will mitigate impact of increased passengers on local bus network. A new or re-routed TfL Bus service through the site however operationally this was considered unviable.</p> <p>Directly related – Provision arises from the development of the site.</p> <p>Fair and reasonable – The provision is proportionate to the scale and nature of the development and the assessed increase in demand for bus services.</p>
Bus services contribution	<p>Of up to £1,525,000</p>	<p>London Plan policy T3 and T4</p> <p>Barnet Local Plan (Development Management) policy DM17</p>	<p>Necessary – Due to increased occupation of the site, the contribution will mitigate the impact of increased passengers on local bus network.</p> <p>Directly related – Provision arises from the development of the site.</p> <p>Fair and reasonable – The provision is proportionate to the scale and nature of the development and the assessed increase in demand for bus services.</p>

Other highway works and transport measures	Details of the below to be agreed in the S106 Agreement: Funding for measures identified in the ATZ within a 1 mile radius, including accident mitigation, funding for local junction improvements including the main access (Brunswick Park Road) upgrade and signalisation, funding to improve Cycling /walking experience as identified in the TAA, including a new link to Ashbourne Avenue & associated works, provision of signage to direct pedestrians and cyclists to key locations on and off-site, funding to upgrade and widen the footways on Brunswick Park Road (to the south and north bound bus stops) to provide 3m wide footways to each of the respective bus stops, contribution towards a review of the signalised junctions (J1, J3 and J8) will be undertaken with the TfL signals team to determine if any appropriate and proportionate mitigation can be delivered at these locations. contribution towards implementation of the findings, CPZ Monitoring contribution & provision for permit restriction in any future schemes.	London Plan Policies T1, T2, T3, T4, T5, and T6 Barnet Local Plan (Development Management) policy DM17	Necessary – The increased population arising from the development means contributions are required to ensure transport improvements are made to improve accessibility to and from the site. Directly related – Obligation is required to mitigate the effects of the development and will enhance infrastructure in the vicinity of the site and improve access to transport links that would directly benefit residents. Fair and reasonable – Directly related to provision of improvements and proportionate to the scale and nature of the development and number of residents.
Travel plan measures and monitoring	Including Provision of Travel Plans covering the following: <ul style="list-style-type: none"> • Travel Plan – School • Travel Plan - Residential • Travel Plan – Non Residential • Travel Plan – Nursery • An appropriate Travel Plan Monitoring Fee would also need to be paid 	London Plan policy T4 Barnet Local Plan (Development Management) policy DM17 Barnet Planning Obligations SPD	Necessary – The scale of development necessitates an agreed residential travel plan to be submitted, implemented and monitored in order to minimise increases in road traffic and meet mode split targets. Will help promote sustainable travel and monitoring required to ensure it is effective. Directly related - The obligation relates to the development to promote sustainable travel and reduce carbon emissions across Barnet. Fair and reasonable – The costs are proportionate to the development.
Section 278 works	Necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development.	London Plan policy T2, T4 and T5 Barnet Local Plan (Development Management) policy DM17	Necessary - The development requires improvements to be made to the public highway so it can be suitably and safely accessed and serviced. Directly related - The required works arise from the development of the site. Fair and reasonable – The work should be completed before occupation to ensure safety.
Energy and sustainability	A carbon-offsetting contribution will be secured (Currently £4,196,877) in the S106 agreement as per the conclusions of the Energy and Sustainability Assessment submitted.	London Plan Policies SI 2 and S1 3 Barnet Local Plan (Development Management) Policy DM04	Necessary – Essential to meet Barnet policy DM04 and London Plan requirements of Policy SI 2 which requires major developments to be net zero-carbon. Directly related – The obligation relates to the site and will be used to reduce carbon emissions across Barnet. Fair and reasonable – The amount of the contribution is calculated on the basis of carbon reduction projects set out in the Energy and Sustainability Statement and in proportion to the development.
Reptile receptor site protection ,	The principle of reptile receptor site protection, management and monitoring is agreed and details will be secured in the S106 Agreement.	London Plan Policy G6	Necessary – To mitigate any impact on reptiles owing to the proposed development. The Phase 2 Ecology Report (Greengage Environmental Ltd 2021) confirms that surveys using artificial refugia were undertaken in April and May 2021, with seven survey visits being undertaken during this period. A peak count of 18 slow-worm and 11

management and monitoring		<p>Barnet Local Plan (Development Management) Policy DM16</p> <p>Barnet Local Plan (Core Strategy) Policies CS5 and CS7</p> <p>Sustainable Design and Construction SPD (adopted October 2016)</p>	<p>common lizards were recorded. This is considered a 'good' population for species. To reduce the risk of reptiles being harmed a receptor site will be created along the north-western boundary, in advance of any construction works, which will be followed by a trapping exercise to exclude reptiles from the working area.</p> <p>Directly related – Any potential impact arises from the development of the site.</p> <p>Fair and reasonable – Proportionate to the development and scale of potential ecological impact.</p>
Public open space	The principle of public open space is agreed and details will be secured in the S106 Agreement.	<p>London Plan Policy GG3</p> <p>London Plan Policy G4</p> <p>Barnet Local Plan (Core Strategy) Policies CS11 and CS7</p> <p>Barnet Local Plan (Development Management) Policy DM15</p>	<p>Necessary – Required to ensure a high quality, environment is created through the development with the provision of open space necessary to ensure this.</p> <p>Directly related – The obligation is related to the site.</p> <p>Fair and reasonable – The public open space proposed is proportionate to this scale of development.</p>
S106 monitoring contribution	The principle of a S106 Monitoring Contribution is agreed and details will be secured in the S106 Agreement.	Barnet Planning Obligations SPD	<p>Necessary – The fees recover costs associated with the monitoring and processing of obligations, and the preparation of the s106 agreement itself (excluding legal costs). The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 permits a LPA to charge a monitoring fee through section 106 planning obligations to cover the cost of the monitoring and reporting on delivery of that section 106 obligation.</p> <p>Directly related – The costs arise from the requirement to secure necessary obligations and monitor compliance of this agreement.</p> <p>Fair and reasonable – The costs are set out within the Barnet Planning Obligations SPD. The delivery of Planning Obligations, from negotiation to implementation, takes considerable time and resources. The Council will therefore seek the payment of contributions to cover the costs of its work relating to securing Planning Obligations.</p>

