

HAVERING CIL

PROPOSED APPROACH TO S 106 CONTRIBUTIONS

NOVEMBER 2018

This document sets the London Borough of Havering's approach to Section 106 planning obligations in the context of any subsequent revision of its Planning Obligations SPD after adoption of its Community Infrastructure Levy (CIL).

This document will assist prospective developers by identifying the planning obligations that will be sought by the Council, through the grant of planning permissions for development, where such development generates a need for new infrastructure.

1 Introduction to Havering CIL, Mayoral CIL and Section 106

The Council is preparing its CIL draft charging schedule in accordance with the Planning Act 2008 and CIL Regulations 2010 (as amended). The draft charging schedule was presented for consultation in August and September 2018, will be submitted for examination in October 2018 and subject to the examination will be adopted early in 2019.

The new Mayoral CIL (generally abbreviated to 'MCIL2') will come into effect from April 2019 as set out in the new London Plan. MCIL2 will primarily be used to allow early funding of the Crossrail 2 project although the Mayor of London has scope to use monies received for other strategic transport projects.

The Council is committed to the timely and efficient delivery of infrastructure to support residents and businesses in Havering. When adopted CIL will provide an important contribution towards helping ensure that Havering secures the infrastructure necessary to support the delivery of its planning and regeneration strategies. As such, it will help to ensure that residents are able to enjoy a high quality of life founded on the infrastructure that they need for day to day living. It will assist also in ensuring that Havering remains a borough with a high-quality environment and high levels of transport accessibility and connectivity where people want to live and businesses want to invest.

It will remain necessary, however, for the Council and other stakeholders to continue to explore every opportunity to secure funding from other sources to complement and augment CIL monies.

2 Relationship between CIL and Section 106

The implementation of CIL introduced a limitation on the use of planning obligations (s106). In accordance with the Regulation 122 of CIL regulations 2010 (as amended), when CIL is in place, section 106 agreements and other planning obligations can only be sought by the Council if they meet all the following tests:

- 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.

In accordance with Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), the Council has set out its approach towards funding infrastructure using CIL monies and funding infrastructure secured through planning obligations.

The intention is to ensure that there is no duplication in the use of CIL and planning obligations for the same projects.

The Council intends that it will, or may, spend CIL on part or all of the cost of provision, improvement, replacement, operation or maintenance of the infrastructure, to support development in Havering.

For some matters, the Council intends to negotiate planning obligations (secured through Section 106 and other powers) for infrastructure as defined in the Planning Act 2008.

In general, this will be where that infrastructure is required to make a specific development proposal acceptable subject to the CIL Regulations.

The provision of specific infrastructure in the key growth areas of Romford and Rainham and Beam Park will be in line with the focus in the emerging Havering Local Plan for these to be the key growth areas in Havering over the 15-year period of the Local Plan.

The table below sets out:

- those types of infrastructure that the Council will fund using CIL (Column 1)
- those types of infrastructure that the Council will fund using planning obligations rather than CIL (Column 2)
- specific infrastructure needed to support development in Romford and Rainham and Beam Park that the Council will fund using planning obligations rather than CIL (Column 3)

Type of infrastructure across Havering which will be funded by the Community Infrastructure Levy ('CIL') (and included on the Regulation 123 list)	Matters not covered by the Regulation 123 list (which will be funded through planning obligations)	Specific matters not covered by the Regulation 123 list for infrastructure needed to support development in Romford and Rainham and Beam Park to be funded through planning obligations)
Libraries Sport and leisure facilities (including Hornchurch Leisure Centre, new sports and leisure facilities in the south of Havering, Central Park Leisure Centre, Bretons Outdoor Recreation Centre and 3G Artificial Grass Pitches) Emergency services Cultural facilities Green infrastructure		
Education	None	Primary School at Bridge Close Primary school within Rainham and Beam Park Housing Zone
	Transport infrastructure necessary to support new development	Beam Park station Rainham Creek bus / walking / cycling bridge
Public realm (including built environment and streetscene)	Public art	Romford Town Centre Public Realm Masterplan Beam Parkway – Improved connectivity along the A1306 and within London Riverside
Health and well-being	None	Community care hub in Romford Primary care facility in Rainham Beam Park Rainham primary care facility
	Utilities	Diversion of public utility main cables

		Diversion of public utility sewer and gas main
	Flood defence / protection measures	Various flood protection schemes

Other matters not covered by the Regulation 123 List for which funding will be sought from developers through planning obligations include:

- Affordable housing
- Section 278 agreements for highway schemes (including junction improvements, safety improvements and re-instatements)
- Training programmes or employment support
- Job brokerage
- Securing employment premises
- Waste management
- Provision of on-site renewable energy equipment
- Carbon reduction projects
- Electric vehicle charging
- Mitigating the impact of development on air or water quality
- Enhancements to bio-diversity and geodiversity
- Preservation of historic assets
- Measures to secure safer environments
- Travel plans and car clubs
- On-site / off-site green space and play space
- Energy efficiency
- Renewable energy

3 Further infrastructure across Havering to be secured through planning obligations

Additionally, planning obligations (secured through Section 106 agreements) will be sought for site-specific infrastructure which is necessary to make a development acceptable in planning terms, and which:

- cannot be dealt with by planning conditions; and
- will not otherwise be covered by funding through CIL
- A planning obligation can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:
 - 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.

At present, contributions may be 'pooled' from up to 5 separate planning obligations for a specific item of infrastructure.