

**THE COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010- REGULATION 122(2)  
SECTION 106 AGREEMENT - STATEMENT OF COMPLIANCE**

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
<b>AFFORDABLE HOUSING</b>			
<p><b>On-Site Affordable housing contribution</b></p>	<p>A minimum of 35% of proposed accommodation by habitable room basis to be provided as affordable housing with the following tenure split.</p> <p>(a) a minimum of 30 per cent (by Habitable Room) of the Affordable Housing Units to be provided as London Affordable Rented Housing (rounded to the nearest single unit); and</p> <p>(b) a minimum of 70 per cent (by Habitable Room) of the Affordable Housing Units to be provided as Intermediate Housing</p> <p>An Affordable Housing Delivery Schedule to be submitted and agreed per Development Parcel.</p>	<p>London Plan Policies H4, H5, H6 and H7</p> <p>GLA 'Affordable Housing and Viability SPG'</p> <p>Barnet Local Plan Policy DM10</p> <p>Barnet 'Affordable Housing SPD'</p>	<p><b>Necessary</b> – 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 12% affordable housing falls below local and London Plan policy targets however is supported by viability evidence which is agreed by the Council. As the scheme does not meet the policy target or the GLA Fast Track Route, both Early and Late Stage Review Mechanisms are required to incentivise the build out of the permission if granted and to reappraise the viability position to capture any surplus uplift..</p> <p><b>Directly related</b> – 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</p>

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	Provision of Early Stage Review Mechanisms		<p>Barnet. The extent of the affordable housing contribution is supported by agreed viability evidence and subject to viability review mechanisms.</p> <p><b>Fair and Reasonable</b> – 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>
<b>CARBON OFFSET</b>			
<b>Carbon Offset contribution</b>	<p>Estimated financial contribution of £1,793,647.00 towards the Council's carbon off-set fund. Actual amount to be paid per Development Parcel in line with formula set out in definition for "Actual CO2 Offset Contribution".</p> <p>Any figure calculated in excess of the assessed contribution to be paid as Additional CO2 Offset Contribution.</p>	<p>London Plan Policy SI 2 Barnet Local Plan Policy DM04</p>	<p><b>Necessary</b> – Essential to meet Barnet policy DM04 and London Plan requirements of Policy SI 2 which requires major developments to be net zero-carbon. The financial contribution agreed equates to the calculated shortfall and is calculated using GLA methodology.</p> <p><b>Directly related</b> – The obligation relates to the site and will be used to reduce carbon emissions across Barnet.</p> <p><b>Fair and reasonable</b> – The amount of the contribution is calculated on the basis of carbon reduction projects set out in the Energy Statement and in proportion to the development. The cost has been calculated using the standard formula referred to in London Plan guidance.</p>
<b>SKILLS AND EMPLOYMENT</b>			

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<p><b>Local Employment Agreement / Skills and Employment Contribution</b></p>	<p>Provision of Local Employment Agreement to deliver outcomes set out in Schedule 7 of agreement,</p> <p>Skills and Employment Contribution to be made in respect of outcomes not delivered.</p>	<p>London Plan Policy E11</p> <p>Barnet 'Delivering Skills, Employment, Enterprise and Training from Development through S106' (SEET)</p>	<p><b>Necessary</b> – 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><b>Directly related</b> – The obligation is related to the site</p> <p><b>Fair and reasonable</b> – The requirements are directly proportionate to the construction costs of the site as provided by the appellant. The provisions of each requirement are calculated using Appendix B of the SEET SPD.</p>
<p><b>HIGHWAYS</b></p>			
<p><b>CPZ Review / Restriction of Parking Permits</b></p>	<p>Contribution of £42,000 towards CPZ Consultation, TMO, Design &amp; implementation fees.</p> <p>£2,500 to be paid towards the costs of amendments to an existing Traffic Management Order in the vicinity of the Development to ensure that the Occupants of the Development are</p>	<p>London Plan policy T6</p> <p>Barnet Local Plan DM17</p>	<p><b>Necessary</b> – Contribution required to undertake the necessary study to establish if CPZ necessary. Any restriction of new residents from applying for a resident parking permit for the CPZ found to be necessary would required to prevent occupiers parking in the immediate streets within the CPZ and those surrounding if a CPZ is extended, to ensure there is no adverse effects on highway safety and flow of traffic. This</p>

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	prevented from purchasing parking permits in local CPZs		<p>restriction would also encourage occupants of the development to use of sustainable modes of transport. The costs are based on half for the notice of proposal (NOP), and the other half for notice of making (NOM).</p> <p><b>Directly related</b> – Any new restriction would apply to directly to occupants of the site.</p> <p><b>Fair and reasonable</b> – Adequate on-site car parking provision has been made within the development, on-street impacts should be managed.</p>
<b>Travel Plans and Monitoring</b>	<p>Submission of, and compliance with, a Residential Travel Plan and Commercial Travel Plan.</p> <p>Contribution of £20,000 towards the monitoring of each the travel plans (£40,000 total).</p>	<p>London Plan policy T4</p> <p>Barnet Local Plan policy DM17</p> <p>Barnet Planning Obligations SPD</p>	<p><b>Necessary</b> – 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.</p> <p><b>Directly related</b> - The obligation relates to the development.</p> <p><b>Fair and reasonable</b> – the costs are proportionate to the development and have been calculated as set out in the Council's Planning Obligations SPD in Chapter 3.1.</p>
<b>Car Club</b>	Provision of 2 on site, street level car club spaces with potential, subject to	<p>London Plan policy T6</p> <p>Barnet Local Plan policy DM17</p>	<b>Necessary</b> – Due to increased occupation of the site, the provision of car club will help reduce car

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	necessary consents, for uplift if demand surpasses supply.	Barnet Planning Obligations SPD	ownership, resulting in less parking stress and vehicle movements.  <b>Directly related</b> – Provision arises from the development of the site  <b>Fair and reasonable</b> – the provision is proportionate to the scale and nature of the site and is set out in Barnet’s Planning Obligations SPD in table 3.2.
<b>Highway Works</b>	(a) improvement of the footway between the Land and Cricklewood rail station (shaded blue on the Highway Works Plan);  (b) construction of a new pedestrian crossing on Cricklewood Lane at a location and subject to the details agreed with the Council in writing (shaded yellow on the Highway Works Plan);  (c) removal of the existing vehicular point on Cricklewood Lane and reinstatement of the footway (edged orange on the Highway Works Plan)	London Plan policy T2, T4 and T5  Barnet Local Plan policy DM17	<b>Necessary</b> - The development requires alterations to be made to the highway before it can be adequately and safely accessed and serviced. Due to increased occupation of the site, improved crossings for walking and cycling for future occupiers / users of the site and, in support of Vision Zero is required. This is also supported by TfL.  <b>Directly related</b> - The required works arise from the development of the site.  <b>Fair and reasonable</b> – the work should be completed before occupation to ensure safety.
<b>Bus Improvements Contribution</b>	£100,000 contribution to apply the sum towards bus services between Cricklewood and Kilburn.	London Plan policy T3 and T4  Barnet Local Plan policy DM17	<b>Necessary</b> – Due to increased occupation of the site, the contribution will mitigate impact of increased passengers on local bus network

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			<p><b>Directly related</b> – Provision arises from the development of the site</p> <p><b>Fair and reasonable</b> – the provision is proportionate to the scale and nature of the development and the assessed increase in demand for bus services.</p>
<p><b>Childs Hill School Contribution</b></p>	<p>£15,000 towards the cost of a feasibility study for school safety measures at Childs Hill School, Dersingham Road, London, NW2 1SL</p>	<p>London Plan policy T1, T2, T4 and T5</p> <p>Barnet Local Plan policy DM17</p>	<p><b>Necessary</b> - Due to increased occupation of the site, it is likely that there would be increased demand for school places and associated traffic during the morning and afternoon school peaks this will exacerbate the current road safety problems. The contribution is therefore needed in the interests of road safety and, in support of Vision Zero is required.</p> <p><b>Directly related</b> - The required impact arises from the development of the site.</p> <p><b>Fair and reasonable</b> – It is considered that the proposed funding for the school street study is fair and reasonable in regard to mitigating potential impact on school traffic and road safety in the vicinity of the development.</p>
<p><b>Cricklewood Lane Railway Bridge</b></p>	<p>Reasonable Endeavours to liaise with Network Rail to design a scheme for reasonable improvements to the underside of Cricklewood Lane Railway Bridge such improvements to comprise lighting improvements and/or provision of public art.</p>	<p>London Plan policy D8,T1, T2 and T4</p> <p>Barnet Local Plan policies DM01 &amp; DM17</p>	<p><b>Necessary</b> - Due to increased occupation of the site, it is likely that the development will result in increased usage of Cricklewood Railway Station and persons utilising the existing underpass to access the station. As such improvements to this access are sought to improve pedestrian safety and to encourage sustainable transport modes.</p>

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			<p><b>Directly related</b> - The required works arise from the development of the site.</p> <p><b>Fair and reasonable</b> – The S106 obligation provides for best reasonable endeavours on behalf of the applicant to carry out these improvement works subject to landowner consent from Network Rail.</p>
<b>HEALTH FACILITY</b>			
<b>Health Facility</b>	A community healthcare facility of not more than 145 sq. m. to be provided within Development Parcel A	London Plan policy S2 Barnet Local Plan policy DM13	<p><b>Necessary</b> –The provision of healthcare facility, if a healthcare provider takes the space, could provide healthcare services to residents and other nearby residents and allow better access to health services for the local population</p> <p><b>Directly related</b> –on site provision of a health facility would contribute to meeting health demands of occupiers and other residents in the local area..</p> <p><b>Fair and reasonable</b> – obligation meets a required need but allows flexibility for alternative provision if a healthcare provider does not wish to take up the commercial floorspace and operate a health facility from the development.</p>
<b>S106 MONITORING</b>			
<b>Monitoring Fees</b>	A sum of 2% of the Contributions (other than the Monitoring Contribution) Index-	Barnet Planning Obligations SPD	<b>Necessary</b> – The fees recover costs associated with the monitoring and processing of obligations, and the preparation of the s106

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	<p>Linked (up to a maximum of £50,000 being a contribution towards the Council's costs of monitoring the planning obligations in this Deed</p>		<p>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><b>Directly related</b> – The costs arise from the requirement to secure necessary obligations and monitor compliance of this agreement.</p> <p><b>Fair and reasonable</b> – 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>