

WALTHAM FOREST LOCAL DEVELOPMENT FRAMEWORK

PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

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1 Introduction and Purpose of Guidance

1.1 This supplementary planning document is guidance, which supplements the policies of the Waltham Forest Unitary Development Plan (UDP) First Review adopted in March 2006. The UDP is now 'the saved plan' and as such effectively forms part of the borough's Local Development Framework along with the London Plan.

1.2 The purpose of this guidance is to assist developers, applicants, landowners and the Council in the process of preparing planning obligations. The guidance seeks to provide a transparent, clear and consistent basis for the negotiation of planning contributions by setting out and identifying the following:

- The broad range of likely contributions that may be sought and the reasons these are necessary, along with references to relevant policy;
- The types of developments that would be the subject of planning obligations;
- The calculations of any financial contributions and the use of standard charges
- General principles relating to planning obligations

1.3 Only the policies in the Development Plan such as the UDP and the London Plan can have the special status afforded by s38(6) of the Planning and Compulsory Purchase Act 2004 in deciding planning applications. However, the government advises that supplementary planning guidance may be taken into account as a material consideration, the weight accorded to it may be increased if it has been prepared in consultation with the public and has been the subject of a Council resolution.

2 Background

2.1 For a number of years the current system of planning obligations has been criticised for being 'complex, difficult to agree and (responsible) for delaying the planning process' (Planning: Delivering a fundamental change, DTLR, 2001).

2.2 As a response to some of the criticisms the government published a consultation document in 2001 seeking views on legislative proposals aimed at achieving greater simplicity and clarity in the system. As a result of this consultation it was decided that the necessary reforms could be achieved without legislative change. A further consultation in November 2003 (Contributing to sustainable communities- a new approach to planning obligations) providing more detail on a number of proposals to reform the planning obligation system and also propose an Optional Planning Charge was published by the ODPM (now the Department for Communities and Local Government (DCLG)).

2.3 The final report of the Barker Review of Housing Supply was published on the 17th March 2004, which recommended that the Government introduce a Planning-gain supplement (PGS) tied to the granting of planning permission. The PGS would allow a portion of landowner development gains to contribute to wider benefits for the community and planning obligations would be used for direct impact mitigation only along with affordable and social housing requirements.

2.4 The Government produced a consultation document on a Planning-gain supplement in December 2005, which sought responses on a number of issues. A further document (Changes to Planning Obligations: a Planning-gain supplement consultation) was produced by the DCLG in December 2006. The consultation period for that document ended on the 28th February 2007.

2.5 In response to the negative consultation response received for the PGS from industry stakeholders, the Government has opted for a more focused Community Infrastructure Levy (CIL). A briefing paper by Communities and Local Government was released in January 2008. This was followed by the release of a CIL policy document in August 2008 which provides details of how the CIL will be set, paid and spent. Part 11 of the Planning Bill which will form the legislative basis for the CIL is currently before Parliament. The Council will continue to monitor the progress of the CIL and will respond accordingly if the CIL is adopted.

2.6 The Community Infrastructure Levy is a standardised charge payable on the commencement of new development. Following existing 'tariff' systems, such as that pioneered in Milton Keynes, the proposals suggest that it could be based on a fixed amount of dwelling space or per square metre of development. It will also apply to most types of development subject to a de minimus threshold.

2.7 It is expected that the funds collected would be ringfenced and used to exclusively deliver a costed list of local and sub-regional infrastructure, which will be subject to public consultation. However, the CIL will not completely replace s106 as certain s106 agreements will be used to secure on-site affordable housing and address site-specific impacts and other non-financial and technical matters.

3 Legislative Framework and Policy Guidance

3.1 Planning obligations (also known as Section 106 agreements) are private agreements negotiated between local planning authorities and persons (developers) with an interest in a piece of land, and intended to make acceptable development which would otherwise be unacceptable in planning terms. Obligations can also be secured through unilateral undertakings by developers.

3.2 Planning obligations may be used to prescribe the nature of a development (e.g. by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or to mitigate a development's impact (e.g. through increased public transport provision).

3.3 The legal basis for planning obligations is provided by Section 106 of the Town and Country Planning Act 1990 (as substituted by sections 106, 106A and 106B of the Planning and Compensation Act 1991), which allows local authorities to enter into agreements with developers over the use of land as part of a planning permission. Such agreements can involve developers making financial or in-kind contributions towards a range of infrastructure or services. Government advice on the use and application of planning obligations is contained with Circular 05/2005: Planning Obligations (ODPM - 18th July 2005).

3.4 Planning obligations are binding contracts that normally run with the land so may be enforced against both the person(s) originally entering into the agreement and against anyone subsequently acquiring an interest in the land, unless the agreement makes this specific to the contrary.

3.5 The agreement containing a planning obligation will generally state that a planning permission to which it relates is issued subject to the agreement. The agreement will include a draft of the permission and the actual decision notice will be issued on the same day as the agreement is completed. However, it is open to the Council and a developer to enter into a planning obligation at any time.

3.6 Developers are strongly advised to take their own independent legal advice, or the advice of a planning consultant, before entering into Section 106 agreements to provide planning obligations, or indeed any other type of agreement described in this document.

Circular 05/2005 – Planning Obligations

3.7 Circular 5/2005 on planning obligations was published in July 2005 and supersedes Circular 1/97. The DCLG also issued good practice guidance (Planning Obligations: Practice Guidance) in July 2006.

3.8 Circular 5/2005 clarifies existing policy and aims to streamline the system of negotiated agreements. It also seeks to bring the planning obligation system into line with the new system of spatial planning established by the Planning and Compulsory Purchase Act 2004.

3.9 In setting out the broad policy principles, the circular states that:

3.10 *"The principal objective of the planning system is to deliver sustainable development, through which key Government social, environmental and economic objectives are achieved. The delivery of these goals is provided for in a framework of development documents, in which local communities are positively involved, and through a transparent system of decision-making on individual applications."*

3.11 The circular goes on to state that planning obligations are unlikely to be required for all developments, but should be used whenever appropriate according to the Secretary of State's policy as set out in the circular. In particular, the policy requires, amongst other factors, that planning obligations are only sought where they meet all of the following tests;

3.12 A planning obligation must be:

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development, and;
- Reasonable in all other respects.

The circular further underlines these tests by stating that:

3.13 *"The use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms"*

Planning Policy Statement 1: Delivering Sustainable Development

3.14 Planning Policy Statement 1: Delivering Sustainable Development (PPS 1) was published in 2005 and sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. PPS 1 recognises that sustainable development is the core principle underpinning planning and sets out the Government's aims for sustainable development and how these aims are to be achieved in the planning sector in order to facilitate and promote sustainable and inclusive patterns of urban and rural development. This concept of sustainable development thus forms the overarching policy context informing decision making concerning all the elements of this Planning Obligations Supplementary Planning Document.

The London Plan

3.15 The Mayor of London's Spatial Development Strategy, "The London Plan" (the most recent revision of which was published with alterations in February 2008) provides the regional planning policy context for the borough. Policy 6A.5 of the Plan states that:

3.16 *"Boroughs should set out a clear framework for negotiations on planning obligations (contributions) in UDPs having regard to central government policy and guidance and local and strategic considerations to the effect that:*

- *it will be a material consideration whether a development makes an appropriate provision for, or contribution towards, requirements that are necessary by, and are related to, the proposed development.*
- *Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and kind to the proposed development and its impact on the wider area.*
- *Boroughs should refer to planning obligations that will be sought in the relevant parts of the UDP (such as transport and housing policies)"*

The Adopted UDP (2006)

3.17 Strategic Policy 18(SP18) of the adopted UDP states that: "Where necessary, the Council will seek a planning obligation in order to facilitate development. Where development outside the Borough would have significant implications within Waltham Forest, the Council will discuss with the adjacent Local Planning Authority and other relevant organisations the mitigation of unacceptable effects through a Planning Obligation."

Waltham Forest Sustainable Community Strategy

3.18 In determining the scope of planning obligations, this guidance also takes into account the broad objectives set out in the Council's Sustainable Community Strategy, which provides the strategic policy context for a range of strategies and action plans across the authority, including the UDP and documents in the Local Development Framework. The Council has a duty, under the Local Government Act 2000, to work with community and voluntary groups, local businesses and service providers, such as the Police and local Health Trusts, to produce a Sustainable Community Strategy.

3.19 The broad aims of the Strategy are to ensure that the activities of the various bodies who provide services to the public are better co-ordinated, responsive to the concerns of local communities, delivered in ways that suit people who depend on them, and take account of future needs.

3.20 Within the context of these aims, the three key objectives of the Waltham Forest Sustainable Community Strategy (2008) are:

- Managing population growth and change
- Creating wealth and opportunity for residents
- Retaining more wealth in the borough

4 General Principles

Thresholds

4.1 Development can have varying impacts on the environment and provision of services and facilities. Consequently it can give rise to varying needs for measures to address these impacts. As a general rule, the greater the scale and complexity of a development the greater its scale and range of impacts. The planning obligations required from different developments will reflect this varying impact.

4.2 The Council has identified a number of thresholds (for example Major Development as defined in the Town and Country Planning Act [General Development Procedure Order 1995]) to reflect the scale and possible impact of development. These thresholds will potentially give rise to a requirement for a contribution to the provision of facilities and services. The thresholds are set out in the Matrix Table, at the end of this guidance, and reflect the varying impacts arising from development.

Avoiding thresholds

4.3 The Council is aware that some developers may attempt to avoid planning obligations by reducing the scale of their proposals to avoid a threshold. If it is identified that a proposed development is not maximising the use of a site to avoid an obligation threshold, the Council will seek obligations from the development which reflect the best or full use of the land. If a large development proposal or site has been split into smaller applications in order to be below thresholds the Council will require that, for the purpose of planning obligations, all the individual proposals are treated as a single or whole.

Use of Formulae and Standard Charges

4.4 Circular 05/2005 encourages local authorities to employ formulae and standard charges where appropriate, as part of their framework for negotiating and securing planning obligations. The Circular advises these to be consistent in their application and related to the development impact. In accordance with the Circular there is no requirement to address all matters through standard charges and it is the Council's decision in which cases it is used. The majority of matters will continue to be negotiated on a site-specific basis.

Development viability issues

4.5 It may be that all the issues that should ideally be included within a planning obligation cannot be addressed without that scheme becoming unviable. This may apply in cases where, for example, there are unusually high site-specific costs such as decontamination or other significant infrastructure expenses.

4.6 If a developer feels that the Council is placing unreasonable burdens on a proposed development, the onus will then be on the developer to clearly demonstrate, normally via an “open book” approach, that the impact of any particular obligations would have a detrimental affect on the overall viability of the scheme. If it is agreed by the Council that a proposal cannot reasonably afford to meet all of the Council's normal planning obligation requirements, these may then be prioritised in negotiation with the developer subject to the proposal being acceptable in all other respects. Whilst commercially sensitive information and detailed figures will be treated in due confidence, it may be necessary to report the key issues and broad conclusions to elected members at the time of their consideration of the planning application (or the Assistant Director of Development via delegated authority).

4.7 In exceptional circumstances, the Council may require the developer to enter into arbitration, whereby an independent third party will be appointed to assess the particular financial and/or other relevant circumstances of the case. The choice of the independent arbitrator will be agreed between the Council and the developer. Where the arbitrator rules in favour of the developer, a sliding scale will be applied to those planning contributions triggered by the development based on order of priority, which will enable all obligations to receive at least some part of the total financial contribution.

Maintenance payments

4.8 Circular 05/2005 advises that where the benefits of the contributions are predominantly for the users of the associated development or neighbouring residents it may be appropriate for a developer to contribute to maintenance (ie. physical upkeep). Such provision may be required in perpetuity.

4.9 However, as a general rule, if the facility is to be used by the wider public the costs of maintenance should normally be borne by the relevant authority. Ongoing maintenance should only be for the time between completion and inclusion in the public sector funding streams, not for perpetuity. The Council will seek agreements on the type of payments to be made, for example regular payments, or commuted sums and all with a clear audit trail.

Legal costs, administration and monitoring

4.10 Circular 05/2005 confirms it is legitimate for local Councils to recover the costs of agreeing planning obligations where it will contribute to increasing speed and efficiency with which negotiations are completed. Developers will, therefore be expected to cover the Council's reasonable legal costs incurred in preparing an agreement.

4.11 The Council will, in addition, include an administration and monitoring charge of 5% on all agreements where there is a financial contribution, additional to the total amount of financial obligations provided. Where agreements include a non-financial obligation, such as affordable housing, the Council will negotiate an appropriate sum with the developer, based on hourly costs.

Conditions

4.12 The Government advises that where there is an option to impose conditions attached to a planning permission, rather than entering into a planning agreement, this is preferable because it enables the developer to appeal to the Secretary of State. The Council will therefore consider whether an issue can be satisfactorily addressed through a condition, which meets the tests set out in Circular 11/95, before negotiating a planning agreement. The terms of any planning condition will not be re-stated within a planning obligation.

Unilateral undertakings

4.13 Circular 05/2005 states that, in most cases, it is expected that local planning authorities and developers will finalise planning obligations by agreement. However, where there is difficulty in reaching a negotiated agreement, a developer may offer unilaterally to enter into a planning obligation. There may also be circumstances where the Council may wish to encourage developers to submit unilateral undertakings with their planning application in the interest of speed, particularly where it is possible to ascertain the likely requirements in advance and/or only the developer needs to be bound by the agreement with no reciprocal commitments by the local authority.

4.14 Unilateral undertakings, like other planning obligations, are usually drafted so that they come into effect at the time when planning permission is granted and may provide that, unless the developer implements the permission (by carrying out a material operation as defined in section 56(4) of the 1990 Act), he is under no obligation to comply with the relevant obligations.

4.15 Where a developer provides or offers an undertaking at a planning appeal or call-in situation, it will be referred to the local planning authority to seek their views. Such an undertaking should be in accordance with the principles in this guidance, as should unilateral undertakings or offers to enter into undertakings made in other circumstances. Undertakings should be relevant to planning and directly related to the needs created by the development proposal concerned.

Cross boundary issues

4.16 There will be instances where the impacts of development within the jurisdiction of adjoining borough or district councils may affect areas within the London Borough of Waltham Forest. When notified of developments that could potentially have an effect on the delivery of services by this Council, the authority will discuss these with the other Councils and seek obligations from the developer accordingly. In these cases, the authority would expect a clause enabling money to be transferred directly to its own identified budget centre if necessary.

Alternative sources of funding

4.17 In negotiating contributions through planning agreements, the Council may consider if it is necessary for the costs of requisite additional public services to fall entirely on a developer. It should be considered if alternative sources of funding are available, taking into account the potential delays and uncertainty in securing planning obligations. These funds could partly cover new infrastructure costs or be used to meet other corporate objectives to be included as part of a particular development. For example, funds may be sought by the Council through its Borough Spending Plan and bid to Transport for London (TfL) for highways and public transport infrastructure; or bids may be made where appropriate for funds through the Sure Start initiative or from Lottery funding.

Pooling of contributions

4.18 Circular 05/2005 advises that where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for the developers' contributions to be pooled, in order to allow the infrastructure to be secured in a fair and equitable way. Pooling can take place both between developments and between local authorities where there is a cross-authority impact. The Circular also states that where development has an impact, but not sufficient to justify the need for a discrete piece of infrastructure, local authorities may seek contributions for future provision as long as the need is demonstrated. In these cases, spare capacity in existing infrastructure provision should not be credited to earlier developers.

4.19 In the event that contributions are made towards specific provision but the provision is not delivered within the agreed timeframe, arrangements should be made for contributions to be returned to developers.

Tariff-based Approaches

4.20 There two key types of development that will, in most instances, require the adoption of a tariff-based approach:

- Major regeneration areas with a regeneration strategy in place,
- Areas where there are a number of major applications resulting in a significant quantum and scale of development.

4.21 In line with the emerging Community Infrastructure Levy, the Council may adopt a tariff-based approach to planning contributions in certain geographical areas. When the council adopts such an approach, the council will determine the level of contribution through a sound assessment of an area's infrastructure needs in light of a proposed series of major developments. On this basis, when the council adopt a tariff-based approach for an area, the Council will produce an area-based planning obligations strategy, including details of the proposed tariff, for that geographic area.

4.22 Where an area-based planning obligations strategy is in place, the formulae in this SPD will be superseded by the tariff in that area-based strategy for that relevant geographic area. In addition, unlike other planning obligations which can only be spent on specified types of infrastructure, tariff contributions will be pooled into a ring-fenced fund to be spent on any infrastructure improvements, in that area, identified in the area-based planning obligations strategy.

Timing of obligations

4.23 The timing of planning obligations will ultimately be a matter to be agreed between the Council and the developer. Infrastructure works and highway improvements directly associated with the development are normally required to have been carried out before occupation, though in some instances, these may be required before any development can take place. Financial contributions for other off-site works and longer term projects will be normally required on commencement of development but in some cases on occupation may also be acceptable.

5 Scope of Planning Obligations

Categories of potential planning obligations

5.1 This section of the guidance covers the range of services, infrastructure and other facilities that will generally be considered in the determination of planning applications. These fall into the following broad categories:

- Housing (including affordable housing and private sector wheelchair units)
- Education and Lifelong Learning
- Employment and Training
- Regeneration and Economic Development
- Transport and Highways
- Environment and outdoor recreation
- Health
- Community and Cultural Facilities
- Climate Change & Sustainable Development

5.2 This guidance is intended to provide advice on the obligations which will be most commonly applied. However the above list should not be interpreted as exhaustive as other requirements may arise in specific circumstances. A full list of the relevant policies of the Waltham Forest UDP is shown at Appendix A of this guidance.

Prioritising planning obligations

5.3 The circumstances where a planning obligation will be required will be determined by the impact of a particular development, taking into account the location, scale and nature of the proposal. In prioritising planning obligations, the Council will have due regard to the strategic priorities set out in the London Plan, specifically those set out in Policy 6A.4, the Waltham Forest Sustainable Community Strategy and the Council's Unitary Development Plan. Other material considerations may include relevant supplementary planning documents such as Area Action Plans, local regeneration strategies and emerging Development Plan Documents.

6 Housing

Affordable housing

6.1 The London Plan policy '3A.9 Affordable Housing Targets' states that the indicative target for affordable housing from private development is 50% for schemes. The boroughs Housing Needs and Market Survey 2007 also provides evidence justifying an affordable housing target level of 50% within the borough. Consequently, this target will be applied to all schemes within the borough that are equal to or surpass a threshold of 10 units. The Council will apply these targets sensitively taking account of the individual site costs, economic viability, including the availability of public subsidy, and other planning objectives. The Housing Needs and Market Survey 2007 also supports the London Plan target of a 70:30 split of social to intermediate housing. This Survey also indicates the level of need for different types of housing by number of bedrooms (see table below). In general, this mix should be secured through negotiation as part of the proposed development or as part of a planning obligation.

Affordable Housing Mix		
	Type of Housing	
Dwelling Size	Social Rented	Intermediate Housing
1 Bedrooms	10%	10%
2 Bedrooms	30%	40%
3 Bedrooms	50%	40%
4+ Bedrooms	10%	10%

6.2 Model affordable housing clauses are suggested and will be available from our website.

6.3 ODPM Circular 05/2005 "Planning Obligations" indicates:

6.4 *"The presumption is that the affordable housing elements of residential or mixed-use developments with a residential component required by local policies on mixed communities and provided through planning obligations should be provided in-kind and on-site."*

6.5 Off site provision or cash in lieu will only be accepted in very exceptional circumstances, with the onus being on the developer to demonstrate clearly why such provision cannot be provided on site or is of more benefit to be provided elsewhere. There should be very few instances where the Council will accept off-site provision or cash in lieu – but there may be circumstances where it is justified. However, even where such circumstances apply there would need to be a reasonable degree of certainty that an appropriate output would be delivered within a short time scale.

6.6 A formula and worked example can be found in Appendix B for guidance in the event of such circumstances.

Marketing of Private Sector Wheelchair Units

6.7 The London Plan policy for wheel chair housing is underpinned by a concern that there is a serious under provision of wheelchair housing within the stock of existing and aging housing. It is often difficult and expensive to adapt such property to meet the needs of disabled people. Whilst the Council is generally able to identify end users in the affordable housing sector this is not the case for the private sector. Identifying such users depends on targeting the marketing of the property to people in need of such accommodation through appropriate media. On this basis a planning obligation or planning condition will be used to commit the developer to marketing the property to wheelchair users for a period of six months, including advertising in specialist publications as may be recommended by the Council's Senior Occupational Therapist in Housing.

6.8 Some useful websites which advertise accessible properties are;

6.9 The Accessible Property Register www.accessible-property.org.uk

6.10 Mobility Friendly Homes www.mobilityfriendlyhomes.co.uk. The monthly publication 'Disability Now' advertises properties in its 'For Sale' section, www.disabilitynow.org.uk. The National Disabled Persons Housing Service Ltd www.hodis.org.uk is a very informative organisation giving all types of housing advice including guidance on other schemes such as HOMES, HOMESWAP & Shared Ownership etc. Another useful link is a website led by the charity Elderly Accommodation Counsel (EAC) www.housingcare.org

6.11 An informative letter from the Senior Occupational Therapist in Housing is available. Please see our website for further details along with the relevant clause/condition for wheelchair housing.

7 Education

Education contributions

7.1 The creation of additional homes will in many cases result in an increase in the number of school age pupils. In parts of the borough there are areas where schools are at full capacity or are already overcrowded. Where this is the case it would not be appropriate to permit any additions to the housing stock unless extra places can be funded. Since the Council has only limited resources with which to undertake capital schemes for expansion it would be necessary to seek a planning obligation.

7.2 The Department for Children, Schools and Families (DCSF) does not provide any funding to the Local Education Authority (LEA) for planned additional school places, as the funding is calculated on the basis of the number of pupils already attending the school. The role of the developer contribution is therefore vital in ensuring that such provision is delivered in a timely manner and is consistent with the principles of sustainable communities. Education contributions will only be used to expand education provision to accommodate the additional children arising from the proposed housing. Contributions are not used to fund pre-existing deficiencies or for revenue expenditure. However, education contributions will be pooled on a borough-wide basis to ensure that contributions can be effectively utilised.

7.3 For educational purposes section 106 contributions would only be sought from residential developments which include 2+ bedroom units. It is proposed that contributions would be sought from any development that includes 5 or more units of 2 or more bedrooms and where need has been identified. Any planning obligation will be sought following the advice of designated officers in the Children and Young People Services' directorate as to whether or not the generated need can be accommodated. Each case will therefore be considered on an individual basis.

7.4 Contributions will not be sought for certain types of residential development such as;

- Specialist elderly housing and Housing in Multiple Occupation (primarily for young single people) which will generally not accommodate children.
- Where another policy objective is considered to be of overriding importance, for example, hostels for homeless families or specialist housing for disabled young people.

7.5 Affordable housing for social rent provided by a Registered Social Landlord via planning obligations, will directly or indirectly result in a rise in pupils. Therefore, the borough will require a contribution from developers wishing to develop social housing. However, there may be exceptions to this rule in cases where the viability of social housing development is put at risk by having to make such contributions.

7.6 Where a proposed development would result in an increase in pupil numbers in a location where there would be insufficient school capacity the table below provides an indication of the developer contribution to the cost of providing additional school places:

Type of Unit (No. Beds)	Developer Contribution	
	Primary School	Secondary School
2+	£1,220	£1,304
3+	£2,754	£2,964
4+	£4,721	£5,079

7.7 These figures are derived from detailed calculations of child yield and capital cost and have been appropriately discounted to represent provision for pupils of school age attending the borough's schools. More information is contained in Appendix C. The figures will be reviewed annually to represent the most up to date costs set by the DCSF.

Worked example :

7.8 A scheme of 20 two-bed units is proposed. It is to be located in an area where secondary and primary schools are full capacity

Contribution Type	Level of contribution	x	Number of Units	Sub-total Contributions	Total School Places Financial Contribution
Secondary School Place	£1,304	x	20	£26,080	£50,480
Primary School Place	£1,220	x	20	£24,400	

8 Employment and Training

8.1 The Council is committed to maximising the number and variety of job opportunities available to residents of the borough and maintaining and encouraging the widest possible range of economic activity, including the availability of a skilled labour force. To this end, the Council will seek agreement with developers to secure appropriate planning obligations for employment and training initiatives as part of development proposals.

8.2 This guidance sets out the circumstances in which the Council may negotiate planning obligations relating to employment and training. Such obligations may include some, or all, of the following:

- A financial contribution towards delivering wider employment related regeneration benefits to the local area; and/or
- Developers to provide construction and/or post-construction on-site employment and training opportunities for local people; and/or
- Developers to work in partnership with local employment and training programmes to maximise opportunities for local people resulting from new developments.

8.3 In tackling worklessness, the borough clearly faces both considerable challenges and opportunities. Programmes funded through planning obligations will aim to ensure a flexible and coordinated approach to tackling worklessness and labour market intervention in Waltham Forest. An agreed framework for developing a joint co-ordinated approach will enable closer collaboration with, and support to, relevant agencies and partnerships, active use of labour market intelligence and accurate identification of gaps and weaknesses in provision for both the unemployed and/or under employed and employers in specific sectors.

8.4 Evidence both locally and nationally indicates that the best way of reaching those furthest from the labour market is through outreach programmes. Locally, the Worknet programme and the recent Local Employment Training Framework and have proved successful in moving people in deprived communities away from benefits and into employment. The 'Routeways to health employment' programme being developed and delivered at Whipps Cross Hospital is also proving successful in enabling local people to develop marketable skills.

8.5 In seeking to secure such obligations, the Council will also apply the following delivery mechanisms:

8.6 Implementation panel - A panel to be chaired by the Council and consisting of representatives from Developers and commissioning partners on the Waltham Forest Employment and Skills Action Partnership (ESAP). The panel shall be primarily, but not exclusively, focused towards realising the employment and training benefits generated by specific developments and to oversee the integration of these benefits within the Waltham Forest Employment and Skills Action Plan and local area agreement

8.7 Jobs and training programmes – Developers will be required to work with designated training providers to develop initiatives which will provide education, training and employment advice or programmes. These will be focussed on enabling local people to obtain the knowledge, skills, experience, and confidence to gain employment in jobs relating from new developments.

8.8 Jobs brokerage initiatives – Developers will be required to work with designated delivery agencies to ensure that jobs are advertised locally and that centralised exchanges are established which bring together job seekers and employers.

8.9 Construction training and recruitment initiatives – Developers will be required to work with designated construction sector programmes to ensure maximum 'On site' employment and training opportunities throughout the development phases and to ensure maximum business opportunities for local supply chain businesses.

Financial contributions for employment and training initiatives

8.10 Where land in employment use is to be redeveloped for continuing employment use as part of a major redevelopment proposal, the Council will, in certain circumstances, seek developer contributions in relation to employment and training initiatives at a rate of £10 per square metre gross floorspace. For example, if a new 3,500 sq. metre industrial use is proposed on land already in employment use, the obligation will be as follows:

- 3,500 (sq.m) x £10 = £35,000 contribution

Developments causing loss of employment

8.11 For situations where land in employment use is proposed to be redeveloped for non-employment uses (subject to satisfying other UDP policy requirements), the Council may also require appropriate financial contributions in relation to those training and employment initiatives mentioned above. In determining the amount of contribution appropriate for a proposal to develop land for non-employment uses, developer contributions will be calculated at a rate of £2,500 per employee, based on the average number of employees per area of floorspace for a specific employment use.

Employment Type	Average Floorspace per employee
B1 Business	15
B2 General Industrial	30.3
B8 Storage and Distribution	34.5

Source: (London industrial & warehousing land demand, GLA, Aug 2004) & (London Office Policy Review, GLA, Aug 2004)

Worked example:

8.12 A scheme of ten two-bed and ten 3-bed residential properties is to be developed on 2000 sq metres of ex employment B2 type land. Calculation as follows:

Floorspace (sq m)	/	Floorspace per B2 employee	=	Employee calculation	*	Cost per employee	=	Total Contribution
2,000	/	30.3	=	66	*	£2,500*	=	£165,000

**based on training/associated costs for NVQ level 2*

8.13 Where land is proposed to be used for mixed development, a combination of the above calculations will be used to identify developer contributions.

8.14 In addition, where a development may impact on the viability of, or displace micro-businesses in the area, the developer may be expected to contribute towards existing initiatives that will seek to sustain and retain small businesses in the borough. Planning obligations will be determined in relation to the location, scale and nature of the proposal.

9 Regeneration and Economic Development

9.1 Waltham Forest is located within a number of important strategic regeneration areas including the Upper Lea Valley Opportunity Area and London-Stansted-Cambridge-Peterborough Growth Area. The borough also enjoys close linkages with Stratford, the Lower Lea Valley Opportunity Area and the Thames Gateway, and is committed to securing the significant opportunities arising from the London 2012 Olympic Games for all local residents and businesses.

9.2 The Council has produced a Regeneration and Investment Strategy (October 2004) which sets out the borough's plans for new jobs, homes, improved health, education, training and investment in key sites. The Council has also identified five priority wards for its Local Neighbourhood Renewal Strategy, the key aim of which is to work with local people in developing initiatives to improve housing, health, educational achievement and skills, and increase levels of employment and decrease crime.

9.3 The Council has developed area-based regeneration strategies for Blackhorse Lane and Walthamstow Town Centre. It also planning to develop a master plan for the Northern Olympic Fringe area (Leyton and South Leytonstone). The council will formally adopt these documents as Area Action Plans in line with the Local Development Framework in due course. It is likely that these areas will develop their own area-based planning obligation strategies, flowing from each of the area-based regeneration strategies, and will be used as a detailed basis for negotiations with developers as part of development proposals.

9.4 Walthamstow is also designated as the borough's Major Shopping Centre and is currently the subject of a major programme of integrated regeneration projects aimed at achieving new infrastructure, jobs and homes, together with retail and commercial property improvements. The borough also contains seven District Shopping Centres which are an important focus for retail, commercial and cultural activity and ongoing improvement and investment.

9.5 The Council will seek regeneration and economic development planning obligations for major developments (GDPO 2005). In addition to other obligations set out elsewhere in this guidance which have a regeneration and/or economic development dimension, such obligations may include:

- Contribution to the preparation and implementation of regeneration strategies/master plans
- Community safety initiatives including the installation of CCTV cameras where appropriate
- Town Centre Management and industrial estate management, including promotional and marketing activities
- Local Supply Chain development and local procurement
- Support to SMEs including workspace improvements

- Cluster and growth sector development
- Workforce development

10 Transport and Highways

10.1 Transport has a major effect on the environment, both locally and globally. Current trends, particularly increasing car dependence and the growth in road freight, represents major obstacles to any wider moves towards sustainability and environmental improvements. The use of planning obligations with new developments can bring about many benefits for improving transport and making it sustainable. The Council as the local highway authority will liaise with Transport for London in determining transport priorities in the borough. A full list of potential planning obligations is set out at in Appendix D.

Sustainable Transport and Travel Plans

10.2 The Government's Planning Policy Guidance Note (PPG13) on Transport states that planning obligations may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site, either on their own or as part of a package of measures. Such measures can be identified through the submission of a Transport Assessment and/or Travel Plan, which the Council will require to be submitted for certain developments as outlined in UDP Policy TSP9 and PPG13 (para 89). The definition of 'Major development' in UDP Policy TSP9 is that adopted in the Town and Country Planning (General Development Procedure) Order 1995. Relevant factors in such an assessment could include the capacity of existing public transport services and Public Transport Accessibility (PTAL) levels within an area.

10.3 Obligations might include improvements to a bus service or cycle route which goes near to the site, or pedestrian improvements which make it easier and safer to walk to the site from other developments or from public transport. Transport Assessments will be expected to follow the guidance respectively set out by the Department of Transport(DfT) (Guidance on Transport Assessment, March 2007) and Transport for London (Transport Assessment best practice, May 2006). However, it must be noted that the indicative thresholds in the DfT Guidance are not absolutes and may be interpreted by local authorities in the light of their circumstances. Travel plans must adhere to Transport for London's Guidance on Workplace Travel Planning for Development and/or Guidance for Residential Travel Planning in London (TfL 2008). Developers who do not submit satisfactory travel plans that concur with TfL guidance will be required to resubmit such plans and in consequence will have to pay a resubmission fee to the Council for the costs involved. It is also expected that developers will fully contribute towards the future monitoring and development of travel plans. More information on the content of Travel Plans can be provided by the Council's Transport Planning Team.

10.4 PPG13 goes on to state that planning obligations where appropriate in relation to transport should be based around securing improved accessibility to sites by all modes, with the emphasis on achieving the greatest degree of access by public transport, walking and cycling. While the individual circumstances of each site and the nature of the proposal will affect the details of planning obligations in relation to transport, developers will be expected to contribute more to improving access by public transport, walking and cycling for development in locations away from town centres and major transport interchanges, than for development on more central sites. Where development can only take place with improvements to public transport services, a contribution from the developer (payable to the local authority or Transport for London (TfL) would be appropriate (para 85).

Financial contributions for improvements to transport accessibility

10.5 Financial contributions will, therefore, be sought for appropriate development, as identified by the relevant Transport Assessment and/ or Travel Plan as set out in the Standard Unit Rates below. However, in exceptional cases additional contributions may be sought over and above those set out in the standard unit rates for specific planning obligations, for example when these are identified in a transport assessment. e.g Bus Route enhancement. Contributions will be used by the Council for improvements to transport accessibility to mitigate the impact caused by the development.

10.6 In addition, where a number of smaller developments are proposed within a specific geographic area, planning obligations may also be sought in order to mitigate the cumulative impact of these developments on the local transport network. The threshold for these will be 5 residential units or over or commercial development that qualifies as major development under the General Development Procedure (2005). Standard unit rates will be applied similarly.

Standard Unit Rates		
Type of Development		Contribution (£)
Residential (C3)	1 or 2 bed	400/unit
	3 bed	600/unit
	4+ bed	800/unit
Business (B1)	Two way vehicle trip (Average peak hour)	1000
Retail (A1)	Two way vehicle trip (Average peak hour)	1000

Standard Unit Rates		
Change of use	Net increase in two-way vehicle trips (Average per hour)	1000
Extension of existing use	Net increase in two-way vehicle trips (Average per hour)	1000

Note: the contribution figures may be subject to change, please contact the Council Transportation Planning Team to ascertain the most up-to-date figures.

Highways works

10.7 Some development proposals will require works to be carried out to existing public highways in order for the development to be deemed acceptable. Such works, will wherever appropriate, focus on improving access to public transport and promoting walking and cycling and may include but are not restricted to, junction alterations or improvements, traffic calming schemes, bus priority measures or footway works and will normally be required at the development site, and/or in the vicinity. In these circumstances, agreement under both the Town and Country Planning Act and Section 278 of the Highways Act 1980 will be required.

10.8 Section 278 applies to existing highways. Where it is proposed to create new highways that are to be adopted, the relevant power is Section 38 of that Act. In some circumstances, one document will include agreements under more than one power. In other circumstances a developer may be required to enter into another agreement under another power at a later date although this is not the Council's preferred option.

10.9 The road system in Waltham Forest comprises a Main road network of Transport for London (TfL) Network Roads (TLRN) (A406 North Circular Road and A12 (Hackney to M11 Link Road) and Principal Roads; and a Minor road network of Local Distributor and Residential Roads. The Council is the highway and traffic authority for all public highways in the borough, except the TLRN which is the responsibility of TfL.

10.10 In addition, under the provisions of the Traffic Management Act 2004, a network of strategic roads has been established in London which comprise the TLRN and a number of borough principal roads. In Waltham Forest these are the A104 Lea Bridge Road and A112 High Road Leyton, Hoe Street, Chingford Road, Chingford Mount Road, Old Church Road, Mansfield Hill and Sewardstone Road. These roads remain the responsibility of the borough but scheme and works approval are required from TfL to ensure that the road network is not compromised.

10.11 There are two main ways for public highways works on borough roads to be carried out through a planning obligation. In both cases, the Council will exercise control over the design of the works and be responsible for the implementation of the scheme.

1. The Council can design and carry out the works at the developer's expense, or,
2. The developer can (with the Council's agreement) design the works themselves at their own expense to a specification determined by the Council. The Council will then undertake the works at the developer's expense.

10.12 Occasionally, the Council may allow the developer to undertake the works on the Council's behalf (under Council supervision). In very limited circumstances, a scheme could be designed and implemented by the developer, although the Council's Engineering Design Group would still need to approve the scheme.

Car-free/capped developments

10.13 Council policy (TSP7) is to encourage car-free/reduced car owning residential developments in locations which are within controlled parking zones (CPZ) and easily accessible by public transport, and where a range of amenities, including shops and leisure facilities, are within easy walking distance.

10.14 Where such developments are proposed, the Council will seek a planning obligation from the developer to ensure that new residents of the development are informed in writing that they shall not be entitled to be granted a Residents Parking permit to park within the relevant CPZ (unless they are a holder of a disabled persons badge issued pursuant to the Chronically Sick and Disabled Person Act 1970). A standard unilateral undertaking must be submitted, signed and sealed with the planning application. In addition, visitor parking permits will not be granted to people visiting residents in the relevant CPZ (unless they are a holder of a disabled persons badge issued pursuant to the Chronically Sick and Disabled Person Act 1970).

10.15 In relation to wheelchair parking requirements in car-free schemes, where the development has capacity for providing some off-street parking space there will be a need to determine how many wheelchair units would be included in the whole development. The total amount of wheelchair units will determine the number of off-street disabled parking spaces required.

10.16 Where car-free development cannot provide any off-street parking space due to practical constraints, a planning obligation will be sought where applicable to provide for wheelchair accommodation at an alternative site.

10.17 In some cases, where the need for a car club has been identified or where it is considered desirable, the Council may require the developer to either have in place an accredited car club operator to deliver the scheme or the developer will pump prime the car club for a minimum of two years, the details of which and the subsequent management of the car club being agreed with the Council. Measures to promote the car club may include free membership to residents or the equivalent value in public transport fares via an Oyster Card. In some cases the Council may require the developer to enter his/her scheme into a joint car club with another site or a workplace car club. There may also be instances where car club space is shared with other car club schemes to maximise its effectiveness. For further information on car clubs please contact the Council's Transportation Planning Team.

11 Environment and Outdoor Recreation

11.1 An attractive environment is important for everyone who lives and works in the Borough as well as for visitors. Improving the environment is important in its own right, but it also has other benefits. Making Waltham Forest a more attractive place to live and work has an obvious benefit for the community. It also has a long-term economic benefit in that businesses and an active workforce are more easily attracted to or retained in the Borough.

11.2 Policy BHE10 states that the Council will work in partnership with developers, funding agencies interested groups and stakeholders in preparing and implementing environmental improvement schemes in areas where such schemes would have the greatest effect. Within this context, the Council may negotiate funding relating to environmental improvements to be pooled into an environmental improvement fund. The aim of such a fund would be to maximise local environmental benefit, within the vicinity of a number of developments, in a more efficient and cost-effective way

11.3 As part of section 106 agreements, environmental improvements can include:

- tree planting (see separate section below)
- paving schemes
- lighting schemes
- bins, seats and other street furniture
- public art
- public realm improvements
- improvements to waterways and waterway related infrastructure
- Habitat creation/enhancements and habitat maintenance for riverside developments

11.4 Section 106 agreements for environmental improvements will be negotiated on a site-by-site basis and will be determined in relation to the nature and scale of the development. Reference should also be made to Transport for London's Streetscape Guidance and the Waltham Forest Streetscape Manual.

Amenity/Open space

11.5 Open space within the urban setting comprises public and private open land as defined on the proposals map by several designations. Open space provides important sporting, recreational, nature conservation and cultural provision particularly in a highly urbanised borough such as Waltham Forest. The borough has a wide variety of open spaces, ranging from the internationally important nature reserves of the Lee Valley and Epping Forest, to parks, playing fields, allotments and school grounds.

11.6 However, many areas of the borough are identified in the UDP as being deficient in open space. The Council is also developing a Play Plan, which sets out how the Council and its partners intend to work together to achieve the Children Act 2004 “Every Child Matters” outcomes for children. Underpinning this plan is the Council’s belief that play supports children’s and young people’s learning, raises achievement, reduces anti-social behaviour and compensates for poverty. This is especially important for the families who live in the borough’s 20% most disadvantaged wards.

Financial contributions for improvements to open space

11.7 Consequently, for proposals including all types of residential development above 10 units, where adequate provision cannot be made on-site, the Council will seek planning obligations to enhance or upgrade the provision of local open space based on the set contribution per dwelling, the particular occupancy factor applicable to 1 and 2 bedroom dwellings and the number of proposed dwellings, expressed using the formula below:

- £750* per dwelling x occupancy factor x number of units proposed.

11.8 (* Note: £750 is a working figure for the purposes of negotiation and will be reviewed as part of the Council’s emerging Open Space Strategy)

11.9 Where there is no opportunity for the enhancement or upgrading of open space within convenient walking distance (generally 400 metres) of the proposed development the Council will seek a contribution for enhancement of open spaces elsewhere within the local vicinity. In assessing open space provision, the priority will be on ensuring the provision of high quality, well designed and useable open spaces. Where proposals fall within an area of open space deficiency, the Council may seek additional contributions for improvements to open space.

Worked example:

11.10 A scheme of 5 one-bed and 10 two-bed units is proposed in an area of open space deficiency. Using a starting point of £750 contribution per dwelling, calculation as follows:

Unit Type	Occupancy factor	x £750 per dwelling	x No. of units	Culmulative cost	Total Contribution
1 Bed	1.4	1050	5	£5,250	
2 Bed	2	1,500	10	£15,000	
					£20,250

*based on London-wide occupancy rates

Nature conservation

11.11 Subject to other policies and proposals in the UDP, the Council will seek to protect the nature conservation value of vacant/derelict sites either on a temporary or permanent basis through planning obligations. The Council will also seek improvements as part of development proposals for visitors at sites of nature conservation importance including improvements to toilets, information centres, interpretation, access and disabled access.

11.12 Where development is permitted which may affect protected species/areas, the Council will seek to enter into planning obligations with the developer which will facilitate the survival of individual members of the relevant species/areas, reduce disturbance to a minimum and provide adequate alternative habitats to sustain at least the current levels of population.

11.13 The Council will resist development which endangers the integrity of green corridors and will promote the conservation and enhancement of such features through planning obligations as well as seeking to establish new green corridors where appropriate.

Trees

11.14 The Council will seek the use of planning agreements to plant appropriate species of trees wherever services allow, in public streets and where appropriate, in open spaces. In considering development proposals the Council will seek the planting of trees which are in keeping with the existing tree cover of the locality. The categories of development listed below should seek to provide the following quantities of tree provision on or adjacent to the development site:

- 3 trees per dwelling for a new housing development
- 1 tree per 80 sq ms of gross floor space for industry and warehousing
- 1 tree per 50 sq ms of gross floor space for retail development

11.15 The contribution will be in the form of a lump sum payment to the local authority who will arrange for the tree planting and maintenance to be undertaken. The cost per tree is £125, which includes one year's maintenance, which will be met by the developer.

11.16 In circumstances where the Council is satisfied that some or all of the tree provision cannot be met on site or immediately adjacent to it, it will negotiate to obtain a financial contribution towards the provision of the balance necessary for tree provision elsewhere within the local area.

Walking

11.17 The Council is currently developing a Walking Strategy that aims to encourage more walking in the borough and is also in the process of finalising a 'Right of Way Improvement Plan' for the borough.. Once the strategy is adopted, the Council will seek to ensure funded projects conform to the strategic objectives set out in the strategy.

11.18 In the meantime, in order to encourage walking as a recreation activity, the Council will maintain and wherever possible improve the borough's footpaths and walkways. Where appropriate, it will also seek by the use of planning agreements, ways to encourage new footpaths and walkways through open spaces and places of interest and where possible, to increase the connectivity between these across the borough.

12 Health

12.1 New residential development and the consequent increase in local population can place increasing cumulative pressure on local health facilities. The Council will consult with the Waltham Forest Primary Health Care Trust on all relevant applications and, where an increased demand for additional health provision is identified as part of a proposal, will seek planning obligations for capital-based provision, namely for additional health related infrastructure and equipment within the catchment area of the development. 'Relevant applications' generally refer to those that exceed the threshold requirements stipulated in section 17 of the SPD. However an application will also be deemed to be relevant if the Council determines that developers are deliberately reducing the scale and development potential of proposals in order to avoid reaching the set thresholds and thereby avoid planning obligations, or are splitting large development proposals/sites into smaller applications in order to achieve the same objective. In exceptional circumstances, depending on the relative level of demand for health services created by the development in question and following consultations with relevant stakeholders, the Council may seek revenue contributions for the provision of short term financial contributions for health related services until the funding for these is incorporated into government funding streams .

12.2 However, in most cases contributions will be sought where, as a result of the development:

- New premises/facilities are required as a result of the increased needs arising from the development,
- Current facilities are inadequate for additional users, in terms of their quality or accessibility for users (based on accepted NHS standards) and therefore need to be improved or extended,
- Inadequate funding is available to provide the additional facilities or services as a result of the development.

12.3 Financial contributions will be calculated using the NHS Health Urban Development Unit ((HUDU) model and will generally be used for the following improvements to services:

- primary care/GP services
- intermediate care/day places and beds
- acute facilities/elective, non-elective and day care beds
- mental health services

12.4 Further information on the HUDU model can be found at www.healthyurbandevelopment.nhs.uk/pages/home.htm

13 Community and Cultural Facilities

13.1 A range of venues are used for community and cultural activities in Waltham Forest including libraries, community centres, religious meeting places, youth centres and commercially-run entertainment venues. There is a wide demand to use such facilities.

13.2 A wide range of community, cultural and art-based activities, however, are often carried out in inadequate premises and on sites not well served by public transport. The need to redress social exclusion demands adequate facilities in appropriate locations to meet local needs. Whilst there is a shortage of proper facilities, opportunities to provide new facilities are limited because in most cases these activities cannot compete successfully with other uses and need public funding. In this context, the loss of community and/or cultural facilities without replacement elsewhere in the borough will generally be resisted.

13.3 However, where new development proposals are of a significant size and scale to generate a clear increase in local demand, the Council will seek appropriate planning obligations to enhance existing provision or contribute to new facilities. These facilities could include, but are not restricted to:

- libraries
- art Centres and other cultural facilities
- nurseries or child care facilities
- youth facilities
- information and advice centres
- community centres and hubs
- security and emergency facilities

Libraries

13.4 The Council has a Libraries Renewal Strategy which seeks to improve the range and quality of library provision across the borough, with particular emphasis on increasing the use of libraries, improving their accessibility and enhancing the range of services. The current Standard for Public Libraries (SPL), provided by the Museum, Library and Archive Council seeks to provide a minimum provision of 30 sq.metres of library space per 1000 population. Where appropriate new developments generate an increase in population which is likely to exceed the SPL within the vicinity of the development, developers may be required to make a contribution towards improvements to either existing libraries or new library facilities.

13.5 Contributions for improvements to library provision will be calculated on a basis of £104 per person (as recommended by the Museums Libraries Archive (MLA) South East Public Library Tariff, August 2008) multiplied by the average occupancy rate for each new residential unit.

Worked example:

13.6 A scheme of 5 one-bed and 10 two-bed units is proposed which results in an increase in population above the SPL. Calculation as follows:

Unit Type	Occupancy Factor	x£104 per new resident	x number of units	Cumulative unit cost	Total contribution
1-bed	1.4	£145.60	5	£ 728	
2-bed	2	£ 208	10	£2080	
					£2,808

Note: based on London-wide occupancy rates

13.7 Contributions for library facilities will be used for some or all of the following:

- refurbishment and/or extension of existing libraries
- construction of new library buildings
- environmental improvements in or around library buildings
- car parking improvements associated with libraries
- improved or new IT stock and/or book stock
- mobile library facilities
- related improvements to borough museums, where they provide a local educational resource

Local heritage

13.8 Planning obligations may also be sought in appropriate circumstances to preserve and protect historic buildings and public spaces including but not restricted to, squares and spaces, registered parks and gardens, historic pavement materials, street furniture, removal of street clutter and installation of sympathetic lighting.

Other facilities

13.9 Planning obligations for the enhancement or provision of other facilities not mentioned above will be negotiated on a site-by-site basis and will be determined in relation to the nature and scale of the development.

14 Air Quality and Recycling

Air Quality

National Air Quality Strategy and Regulations

14.1 In July 2007 the Government published the revised national Air Quality Strategy for England, Scotland, Wales and Northern Ireland as required by the Environment Act (1995), setting out policies for the management of ambient air quality.

14.2 The Government's aim for air quality policy in the UK is to ensure that polluting emissions and ambient air quality, generally, throughout the country do not cause harm to human health and the environment. The purpose of the Strategy is to map out, as far as possible, the future of ambient air quality policy in the UK (looking towards the European Union air quality limit values to be achieved by 2010).

14.3 The Strategy sets out health based standards for eight main pollutants. It also contains air quality objectives for seven of these pollutants that should be achieved by various dates to 2010, depending on the pollutant. The Strategy identifies the action that needs to be taken at international, national and local level, and, provides a framework which allows relevant parties, such as industry, business and local government to identify the contributions they can make to ensure that the air quality objectives are met.

14.4 Part IV of the Environment Act 1995 necessitates local authorities to have a duty to review and assess the local air quality in their area against the air quality objectives set out in the Regulations. Where a local authority considers that one or more of the objectives is unlikely to be met by the required date and, it is likely that the public will be exposed to the pollutant, it must declare an air quality management area (AQMA), covering the location where the problem is expected. It must then draw up an action plan setting out the measures it intends to take in pursuit of the air quality objectives in the area.

London: the Mayor's Air Quality Strategy

14.5 The Mayor of London is required under the Greater London Authority Act 1999 to produce a State of the Environment Report which must include information on air quality and emissions to air, particularly from road traffic in London. He is also required to produce eight statutory strategies, including one on air quality. The Mayor's Air Quality Strategy (2002) contains policies and proposals aimed at improving London's air quality towards the objectives in the government's National Air Quality Strategy. The strategy explains London's current air quality, its sources and predictions of future levels of pollution. London boroughs must have regard to the proposals and policies in the Mayor's Air Quality Strategy. The Greater London Authority has also produced an atmospheric emissions inventory for London, which boroughs are required to use when undertaking air quality reviews and assessments.

Air Quality in Waltham Forest

14.6 As a result of a first stage review and assessment of air quality across the council area, the Council designated the whole borough as an Air Quality Management Area (AQMA) in accordance with the Environment Act 1995 (Part IV). The Council has also produced an Air Quality Action Plan that sets out proposed measures to improve air quality within the borough boundaries. Further review and assessments have confirmed earlier findings that have identified road traffic as the main source of pollutants. The Council's review and assessment of air quality is periodically updated and the report of the latest review and assessment, including maps of predicted NO₂ and PM₁₀ concentrations in 2005, can be downloaded from the Council's website. Also available for download is the latest version of the Council's annual report on air quality.

Planning Policy

14.7 'Planning Policy Statement 23: Planning and Pollution Control' states that air quality is a material planning consideration. Consequently the Council UDP's policy WPM9 states that any significant development for sensitive uses, which may lead to an increase in exposure and is adjacent the borough's main road network, where levels of air pollution are likely to exceed the Government's objectives, will need to be supported by such information as is necessary to allow a full consideration of the impact of air pollution on the development.

14.8 WPM9 requires that every development above or equal to 10 residential units and adjacent the borough's main road network or is in an area of poor air quality, to have an air quality assessment at the planning application stage. Developments which may have a significant impact on air quality or, in an area where the existing air quality environment is poor and so will have a significant impact on the development; will require a contribution towards implementation of the Air Quality Action Plan. The main ways a development may have a significant impact are:

- If the development is likely to cause a deterioration in local air quality (i.e. once completed it will increase pollutant concentrations)

- If the development is located in an area of poor air quality (i.e. it will expose future occupiers to unacceptable pollutant concentrations/new exposure)
- If the demolition/construction phase will have a significant impact on the local environment (e.g. through fugitive dust and exhaust emissions).
- If the development prevents implementation of measures in the Air Quality Action Plan
- If the Air Quality Assessment concludes that the Air Pollution Exposure Criteria is 5% below the 2010 proposed objectives for each pollutant (APEC – from the London Council Planning Guidance)

14.9 The contribution will be determined accorded to the following levels set out in the table below:

Type of Development	Developer Contribution
Residential without car parking	£100 per dwelling for developments of 10 units or above
Residential with parking	£100 per dwelling plus £750 per parking space (excluding disabled parking bays)
Commercial: 250 square metres and above	£10 per square metre

Recycling

14.10 Proposals for the development of new large residential and retail developments will be required to provide appropriate recycling infrastructure, such as bottlebanks, can banks, or other such containers, as outlined in UDP Policy WPM5. Such facilities may take the form of on-site provision or a financial contribution towards siting facilities in an appropriate nearby location, via a planning agreement.

Development on contaminated land

14.11 The need for contaminated land to be brought back into beneficial use has become particularly acute in light of increased Government interest to re-use previously developed (“brownfield”) land in urban areas, particularly for building new homes. Much brownfield land in the borough is potentially contaminated due to former industrial use, although with proper remediation work many sites can be made safe for re-use, thus reducing the pressure to develop greenfield sites.

14.12 When considering applications for developments on sites which are potentially contaminated the Council will use planning conditions to resolve on-site mitigation measures. However, where necessary the Council will require developers to enter into planning agreements to investigate and identify remedial measures that may be needed to deal with the hazards for potential off-site pollution.

15 Climate Change and Sustainability

15.1 Planning Policy Statement: Planning and Climate Change- Supplement to Planning Policy Statement 1 (2007) says that, "*Planning conditions or planning obligations can be used to secure the provision and longer-term management and maintenance of those aspects of a development required to ensure compliance with the policies in this PPS (Planning and Climate Change).*"

15.2 Furthermore, the Council has recently published a Climate Change Strategy. The strategy sets out to deliver significant reductions in the borough's carbon footprint. In certain instances, particularly in relation to major proposals, the Council may seek contributions to mitigate the negative impact of development on the borough's carbon footprint and its wider sustainability concerns. In such cases the council will work on a site-by-site basis to determine the level of contribution. Such contributions will go towards implementing the adopted Climate Change Strategy and other innovative projects that reduce the borough's carbon footprint, improve its overall sustainability and therefore meet the strategic objectives set out on 'planning and climate change-supplement to planning policy statement 1'. Such projects could include:

- Extending the existing Combined Heat and Power Network or co-financing new stations
- Carbon balancing new development through providing funds to refurbish existing housing stock
- Climate Change and sustainability initiatives
- Other appropriate and relevant measures

16 Monitoring and Review

Monitoring

16.1 We will monitor the performance of this policy as part of the Annual Monitoring Report. We will also keep records of all section 106 agreements signed between the Council and developers.

Review

16.2 This document has been prepared in the context of the 'saved' Unitary Development Plan First Review 2006, LB Waltham Forest's Sustainable Community Strategy (2008), the London Plan (consolidated with further amendments since 2004) and recent evidence. It provides up to date guidance on the implementation of policy.

16.3 However, specific numerical information will need to be updated annually to ensure the document remains relevant. Area-based planning obligations strategies will also need to be reviewed as part of this process to ensure the tariffs are based on the most reliable and up to date evidence. The changes will be published in the Annual Monitoring Report.

16.4 The supplementary planning document will also be reviewed after the relevant Development Plan Document has been produced as part of the Local Development Framework.

17 Matrix Showing Scope of Planning Obligations

Planning Obligations: Matrix						
Subject	Threshold	UDP Policies	Other Relevant strategies and guidance	Requirements Benefits	Formula	
Planning Obligation Monitoring	All developments with planning obligations	SP18	Circular 05/2005	Financial contribution	5% additional of the total amount of financial obligations Where agreements include a non-financial obligation (ie; affordable housing) the Council will negotiate an appropriate sum with developers based on hourly costs	

Planning Obligations: Matrix

Subject	Threshold	UDP Policies	Other Relevant strategies and guidance	Requirements Benefits	Formula
Affordable Housing	Individual schemes of 0.5 hectares and above or 10 units or greater	HSG6 HSG7 HSG8 HSG10 HSG11	PPS3 Circular 06/98 LBWF Housing Strategy Statement	On site provision Housing Provision on alternative site In exceptional circumstances, provision of a financial contribution	Refer to Appendix B for calculation of a financial contribution for off-site provision and worked example

Planning Obligations: Matrix						
Subject	Threshold	UDP Policies	Other Relevant strategies and guidance	Requirements Benefits	Formula	
Education	Residential schemes of 5 or more units (and +2 bedrooms) where this need has been identified	GCS6	Education Development Plan	Financial contribution	Number of units x developer contribution for primary and/or secondary school place (determined by child yield calculation- see appendix C)	

Planning Obligations: Matrix						
Subject	Threshold	UDP Policies	Other relevant strategies and guidance	Requirements Benefits	Formula	
Employment and training	Major development (as defined by General Development Procedure 2005)	INB13	Waltham Forest Regeneration and Investment Strategy	Local recruitment/ training agreements Jobs/training programmes Financial contributions for employment/training projects	£10 per sq. metre for development involving continued employment use £2,500 per employee x average employee floorspace figure	
Regeneration and economic development	Major development (as defined by GDP)	TRL1 TRL4	Waltham Forest Regeneration and Investment Strategy	Financial contribution	Site-by-site basis	

Planning Obligations: Matrix					
Subject	Threshold	UDP Policies	Other relevant strategies and guidance	Requirements Benefits	Formula
Transport and Highways	Residential schemes +5 and major development, as defined by GPO (2005) units taking places in areas with either a high quantum and/or scale of development in that geographical area. All other appropriate development including major developments that require a transport assessment	TSP1 TSP2 TSP4 TSP5 TSP6 TSP7 TSP9 TSP11 TSP14	Transport Local Implementation Plan PPG13	Provision and maintenance of highway improvements Acquisition/dedication of land for highway improvements Highway/transport infrastructure Contribution to improved public transport facilities Contribution to improved facilities for pedestrians, cyclists and people with disabilities	Major developments and residential schemes +5 units will be calculated using the standard unit rates set out in the SPD, but also dependent on findings of Transport Assessment for major developments

Planning Obligations: Matrix						
Subject	Threshold	UDP Policies	Other relevant strategies and guidance	Requirements Benefits	Formula	
		TSP15 TSP16 TSP17		Implementation of Green Travel Plans and related measures	No formula for other highway contributions - site-by-site basis (estimate of costs to be provided by Council's Street Services department).	

Planning Obligations: Matrix						
Subject	Threshold	UDP policies	Other relevant strategies and guidance	Requirements Benefits	Formula	
Environmental Improvements	All appropriate development	ENV5(B) ENV19 WPM6 WPM9	Transport for London's Streetscape Guidance Waltham Forest Streetscape Manual	General environmental improvements including: <ul style="list-style-type: none"> • Paving • Street furniture • Lighting schemes • Public art 	Site-by-site basis	
Nature Conservation	All appropriate development	ENV6 ENV9 ENV10 ENV11	Mayor's Biodiversity Strategy LBWF's Biodiversity Action Plan	Measures to protect and/or enhance sites of nature conservation basis	Site-by-site basis	
Amenity/Open Space	All appropriate development	ENV1 ENV5 (B) ENV11	LBWF's Open Spaces Strategy	Full cost of enhancement (and ongoing maintenance where appropriate) of existing recreational	Open space formula is occupancy factor x £500 per dwelling x number of units 1 bed - 1.4	

Planning Obligations: Matrix						
Subject	Threshold	UDP policies	Other relevant strategies and guidance	Requirements Benefits	Formula	
		ENV12 ENV16 ENV17 ENV19 ENV20		open space where identified (see formula)	2 bed - 2 3 bed - 2.8 4 bed - 3.5 (based on London occupancy rates)	
Trees	All appropriate development	ENV22(F)	Waltham Forest Tree Strategy	Tree planting schemes (see formula)	New housing development- 3 trees per unit 1 tree per 80 sq m gross floorspace for retail development	

Planning Obligations: Matrix						
Subject	Threshold	UDP policies	Other relevant strategies and guidance	Requirements Benefits	Formula	
Health	Residential schemes of 5 or more units where need has been identified	GSC3	Sustainable Community Strategy Waltham Forest PCT Business Plan	Capital, and where appropriate revenue, contribution to local health provision arising from development	Based on the NHS HUDU Model	
Community and Cultural Facilities Libraries Other Facilities	For libraries Residential schemes of 5 or more units where development results in space standards for public libraries per local population exceeded	GSC2	Sustainable Community Strategy Libraries Renewal Strategy	Financial contribution Enhancement of existing facilities Contribution towards new provision	For libraries: Occupancy Rate factor x £104 per new resident x number of units Other facilities: site-by-site basis	

Planning Obligations: Matrix						
Subject	Threshold	UDP policies	Other relevant strategies and guidance	Requirements Benefits	Formula	
Air Quality	Residential development 10 units or above Commercial development 250 sqm or above Development that has a significant impact on local air quality (see para 14.8 for further details)	WPM9	LBWF Air Quality Action Plan	Financial contribution for mitigating the impact of development upon air quality	£100 per residential unit £750 per car parking space (residential development) £10 per square metre for commercial developments above 250 sqm	
Recycling, renewable energy etc	All appropriate development	WPM5 WPM21 WPM7	Recycling Strategy	Provision of recycling facilities Contribution towards local renewable energy schemes Appropriate measures to tackle land contamination	Site-by-site basis	

Planning Obligations: Matrix						
Subject	Threshold	UDP policies	Other relevant strategies and guidance	Requirements Benefits	Formula	
Climate Change and Sustainable Development	All appropriate development	SP1 WPM20 WPM21	LBWF Climate Change Strategy Sustainable Community Strategy London Plan PPS: Planning and Climate Change- Supplement to Planning Policy Statement 1	A variety of contributions that work towards implementing the Climate Change Strategy and reducing the carbon footprint of Waltham Forest	Site-by-site basis	

UDP Policies Where Planning Obligations May Arise

Appendix A UDP Policies Where Planning Obligations May Arise

	Adopted UDP (2006)
Strategic Policies	SP1 The Environment SP18 Planning Obligations
Economy, Industry and Commerce	INB4 Environmental improvements INB7 Sites not currently in employment use INB12 Railway arches INB13 Training needs INB14 Workplace nurseries
Housing	HSG6 Affordable housing HSG7 Affordable housing HSG8 Housing quality HSG10 Housing for disabled people HSG11 Housing for people requiring an element of care
Town Centres, Retailing and Leisure	TRL4 Regeneration of designated centres TRL12 Hot food Take-Aways, restaurant and night time economy uses TRL15 Facilities for shoppers TRL16 Art, culture and entertainment facilities TRL17 Indoor leisure and recreation
General Community Services	GCS2 Retention/creation/improvement of facilities as part of mixed use schemes

	Adopted UDP (2006)
Transport	<p>TSP1 Public transport- general</p> <p>TSP2 Buses</p> <p>TSP4 Pedestrians, Cyclists and Disabled People</p> <p>TSP5 Cycling</p> <p>TSP6 Access to Industrial and Commercial Sites</p> <p>TSP7 Car free/reduced car ownership residential developments</p> <p>TSP8 Town centre transport policy</p> <p>TSP9 Major new developments (green travel plans etc...)</p> <p>TSP11 Other road policies</p> <p>TSP14 Main road network</p> <p>TSP15 Minor roads</p> <p>TSP16 Traffic management</p> <p>TSP17 Parking</p>
Open Environment	<p>ENV1 Urban open space</p> <p>ENV5 Development on metropolitan open land</p> <p>ENV6 Protected species</p> <p>ENV9 Brownfield sites of ecological importance</p> <p>ENV10 Facilities for visitors</p> <p>ENV11 Conservation of green corridors</p> <p>ENV12 New green corridors</p> <p>ENV16 New open spaces</p> <p>ENV17 Play areas</p>

	Adopted UDP (2006)
	<p>ENV19 Walking</p> <p>ENV20 Playing fields</p> <p>ENV22 Trees</p> <p>ENV23 Environmental improvements to railway land</p>
Built and Historic Environment	<p>BHE1 Urban design</p> <p>BHE5 Access for all</p> <p>BHE10 Environmental improvements</p> <p>BHE13 Conservation areas</p> <p>BHE17 Archaeological heritage</p> <p>BHE18 Local heritage</p>
Waste, Pollution, Water and Energy	<p>WPM1 Waste transfer stations</p> <p>WPM2 Household waste and recycling stations</p> <p>WPM5 Recycling</p> <p>WPM6 Development causing pollution</p> <p>WPM7 Development on contaminated land</p> <p>WPM9 Air quality</p> <p>WPM10 Noise pollution and vibration</p> <p>WPM12 Minerals</p> <p>WPM15 Protection of water surfaces</p> <p>WPM20 Energy efficiency</p> <p>WPM21 Renewable energy</p>

	Adopted UDP (2006)

Formula/Worked Example for Off Site Affordable Housing

Appendix B Formula/Worked Example for Off Site Affordable Housing

If exceptional circumstances are demonstrated and the whole site is proposed to be developed as market housing then this would effectively represent the 50% private element where a 50% affordable housing target applies. In order to maintain this 50:50 ratio of private to affordable it is necessary to provide one affordable unit off-site for every private unit off-site. The example below demonstrates how this will work out in practice

Worked Example: 30 Private Unit- Scheme

Proposal: 30 two bed flats - Off Site Provision

For every unit provided on-site there should be a unit provided off-site.

Therefore, off site provision should be for 30 two bed units.

Overall 60 units are provided maintaining the 50:50 split of affordable to private

For in lieu payments the sum would need to be financially neutral in terms of the benefit to the applicant relative to on site provision requirements. The developer will be required to produce a financial appraisal in order to ensure that clear and robust economic information is available to justify level of contribution. The Local Planning Authority will, as necessary, make reference to the Three Dragons Development Control Toolkit and independently verify the value of the financial contribution.

The payment in lieu may be used for the following purposes:

- Provision of additional affordable housing on an alternative site
- Conversion or refurbishment to bring empty property into housing use
- Purchase of street properties

Education Contributions Technical Information

Appendix C Education Contributions Technical Information

Child Yield is the number of children from each type of housing unit by number of bedrooms. It needs to be discounted to cover only those children of statutory school age (i.e. ages 5 – 16) and to exclude children studying out of the borough or in private education. The latter is assumed to be 10%.

No of Bedrooms	Child Yield	Minus 10%	Primary School	Secondary School
2	0.236	0.212	0.093	0.066
3	0.532	0.479	0.210	0.150
4	0.914	0.823	0.360	0.257

Currently the 2008/09 Cost Multipliers set by the DCSF are as follows -

Primary **£ 12,257**

Secondary **£18,469**

They will be adjusted by the location factors. Currently LBWF has a location adjustment of 1.07.

The 2007/2008 Cost Place Figure levels for Waltham Forest are:

Primary **£ 13,115**

Secondary **£ 19,762**

Type of Unit (No of Beds)	Primary School Cost	Secondary School Cost	Total Cost
2	£1,220	£1,304	£2,524
3	£2,754	£2,964	£5,718
4	£4,721	£5,079	£9,800

List of potential S106 obligations for highways/transportation measures

Appendix D List of potential S106 obligations for highways/transportation measures

Public transport

- Improved public transport facilities
- Public transport real time information
- Improved safety, security and the environment at stations and bus stops
- Requirements of public transport users and operators with regard to planning applications and the design of new roads, highways improvements and traffic management measures
- Bus priority measures
- Bus Route pump-priming measures
- Feasibility work on major transport schemes such as the Stratford-Chingford rail link

Pedestrians

- Improvements for pedestrians and wheelchair users with regard to footpaths, footways, pavements, pedestrian areas, verges, street furniture and lighting
- Improve pedestrian links to public transport facilities

Cycling

- Improvements for cyclists with regards to cycle routes, cycle parking, changing facilities
- Provide secure parking facilities at public transport interchanges, shopping centres and adjacent to public buildings
- Improve cycling links to public transport facilities
- Incorporating the needs of cyclists in the design of all new roads, highways improvements and traffic management measures

Access

- Improve access to industrial, commercial and vacant, underused or derelict sites to encourage economic regeneration and development
- Improvements/access to railway stations and improvements to sustainable transport solutions for all new major developments
- Submission of green travel plans for all major new developments
- Submission of green travel plans for smaller commercial development proposals which would generate significant amounts of travel in areas targeted for traffic reduction or the promotion of more sustainable modes

Road improvements

- Junction improvements for buses, public transport, pedestrians, cyclists, people with mobility difficulties, environmental improvements
- Road safety improvements
- Road network improvements (main roads and minor roads)- safety/security, disabled/mobility access improvements, cycling, environmental improvements for those living and working on main roads

Traffic management

- Traffic management to improve safety/security, disabled/mobility access improvements, local bus service access, cycling
- Road safety measures including road closures, small area lorry bans, traffic calming measures (road humps, pelican/zebra crossings, traffic signals)

Car-Free/Capped Developments & Car Parking

- Alleviation of on-street parking problems
- Car free/reduced car owning residential development in Controlled Parking Zones (CPZs) and areas which are easily accessible by public transport and where a range of amenities are within easy walking distance
- Car Clubs and car club membership for new residents (in some cases equivalent value Oyster Cards for residents)