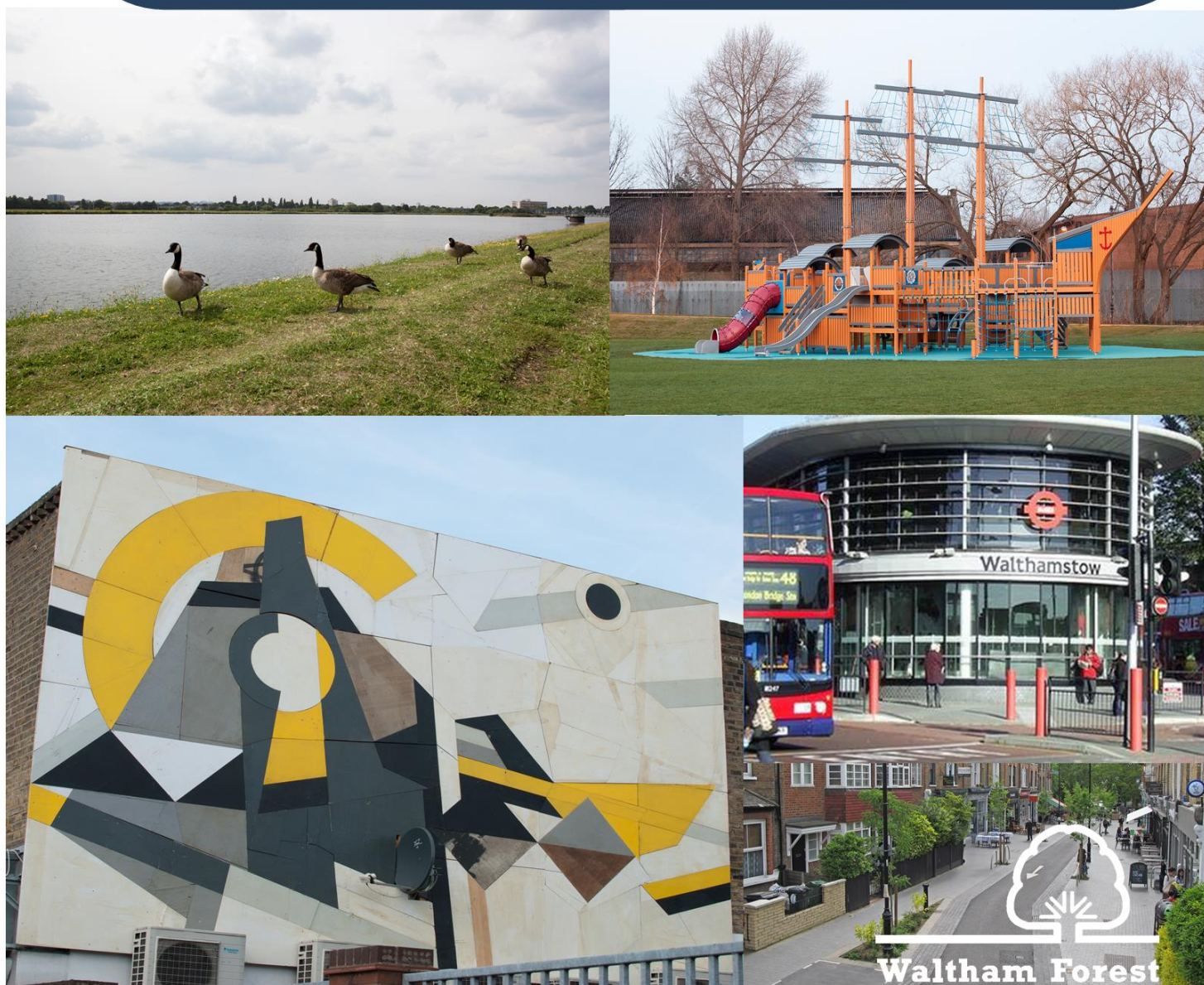


Waltham Forest Local Plan

Planning Obligations

Supplementary Planning Document

Adopted May 2017



INTERPRETING AND TRANSLATION ASSISTANCE

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<p>يمكن توفير هذه الوثيقة أو ملخصها بلغات أخرى أو بالطبعة الكبيرة أو بلغة بريل أو على الشريط. ويمكن توفير خدمة ترجمة عند الطلب. وإذا احتجت منالاً من هذه الخدمات الرجاء الاتصال معنا على العنوان المذكور أدناه.</p> <p style="text-align: right;">Arabic <input type="checkbox"/></p>	<p>यह पचां या इसका संक्षेप अन्य भाषाओं में, बड़े अक्षरों में या सुनने वाली टेप पर मांग कर लिया जा सकता है, और अन्य भाषाओं में अनुवाद की सुविधा भी मिल सकती है। यदि आपको इन सुविधाओं की जरूरत है तो कृपया निम्नलिखित पते पर हमारे साथ संपर्क करें।</p> <p style="text-align: right;">Hindi <input type="checkbox"/></p>
<p>অনূবাদকমে এই ডকুমেন্ট অথবা এর সারসর্ম অন্যান্য ভাষায়, বড় ছাপার অক্ষরে, ব্রেইল বা অক্ষিপিতে, অডিও টেইপ বা বাজিয়ে শোনার কেসেটে অথবা অনুবাদ করে দেয়ার ব্যবস্থা করা যাবে। আপনার যদি এসব সেবাসমূহের প্রয়োজন হয়, তাহলে অনুগ্রহ করে আমাদের সাথে নীচের ঠিকানায় যোগাযোগ করুন।</p> <p style="text-align: right;">Bengali <input type="checkbox"/></p>	<p>ਇਹ ਪਰਚਾ ਜਾਂ ਇਹਦਾ ਖ਼ੁਲਾਸਾ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ, ਜਾਂ ਸੁਣਨ ਵਾਲੀ ਟੇਪ 'ਤੇ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ, ਅਤੇ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਤਰਜਮਾ ਕਰਨ ਦੀ ਸਹੂਲਤ ਵੀ ਮਿਲ ਸਕਦੀ ਹੈ। ਜੇ ਇਹਨਾਂ ਸਹੂਲਤਾਂ ਦੀ ਤੁਹਾਨੂੰ ਲੋੜ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਹੇਠ ਲਿਖੇ ਪਤੇ 'ਤੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।</p> <p style="text-align: right;">Punjabi <input type="checkbox"/></p>
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<p>Name _____ Address _____ _____ _____ Telephone No _____</p>	<p>CONTACT: Design and Conservation Team Regeneration and Growth London Borough of Waltham Forest Sycamore House, Waltham Forest Town Hall Forest Road, Walthamstow, London, E17 4JF Telephone 020 8496 3000 Email: urbandesign@walthamforest.gov.uk</p>

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Introduction

1 Introduction

Overview

1.1 This supplementary planning document (SPD) has been prepared to provide detailed guidance on planning obligations and Section 106 (S106) agreements and how these will work alongside the Community Infrastructure Levy (CIL) in securing the necessary infrastructure contributions required to support growth in Waltham Forest. It replaces the existing Planning Obligations SPD 2014 and revises the Council's approach to planning obligations.

1.2 This revised SPD provides additional guidance on matters covered in the Waltham Forest Local Plan Core Strategy (2012) and the Development Management Policies (2013). Following adoption on 16th May, this SPD is a material consideration in determining planning applications, to ensure that any proposed development is acceptable in planning terms and makes a reasonable contribution to the infrastructure needs of Waltham Forest.

1.3 The purpose of this SPD is to:

- explain the Council's approach to using planning obligations to local residents, applicants, developers and the wider community;
- explain the relationship between CIL and S106 planning obligations;
- explain the circumstances under which the Council will secure planning obligations to mitigate the impact of development on the Borough's infrastructure;
- improve transparency in the priority and calculation of planning obligations;
- provide greater clarity on when planning obligations will be sought; and
- take into account the cumulative impact of development in the Borough and
- explain how this will be dealt with through the use of planning obligations and CIL.

1.4 This SPD should be read alongside the Council's CIL Charging Schedule (2014 or subsequent publications).

1.5 It should be noted that the planning obligations outlined in this SPD are not exhaustive. In some areas of intense redevelopment and regeneration or in certain site specific locations, additional planning obligations outside the scope of this SPD may be sought. The exact type and range of planning obligations which may be sought for an individual site will depend on the development proposed and its impacts on the local environment, local services and facilities in accordance with the National Planning Policy Framework (NPPF) and the CIL Regulations (2010) (as amended). As new policy requirements emerge and change, the SPD will need to be revised to reflect these changes.

1.6 A draft version of this SPD was published for public consultation for a 4 week period, between 13th March 2017 and 10th April 2017. Comments and representations received during this period have been carefully considered and the document has been updated in accordance with the Council's responses to these representations.

Background

1.7 The Council's Core Strategy, adopted in 2012, aims to deliver 10,900 new homes by 2026 as well as reduce unemployment and worklessness in the Borough by improving skills, training and employment opportunities and access to jobs. S106 agreements and CIL will play an important role in securing appropriate levels of required services, facilities and infrastructure to support growth in the Borough. The Council's Economic Growth Strategy (2016) also aims to deliver 12,000 new homes by 2020 which must be supported by necessary local infrastructure.

1.8 New development plays an important role in the vitality of any locality. Whether it is for the provision of new homes, employment or recreational facilities, development is essential to provide for the current and future needs of the Borough. The planned level of growth however, will result in increased pressure on local infrastructure, services and facilities which must be identified and provided.

1.9 CIL was introduced by the Planning Act 2008 and came into force through the CIL Regulations 2010 (as amended) on the 6th April 2010. The Council's CIL Charging Schedule came into force in May 2014 and sets out the CIL charging rates for development, while the Council's Regulation 123 list outlines the projects or types of infrastructure that this money will be spent on. The introduction of CIL has had significant implications on how the Council plans for the delivery of infrastructure and how planning obligations are secured from new development.

What are Planning Obligations?

1.10 Planning obligations (also known as S106 agreements under Section 106 of the Town and Country Planning Act 1990, as amended), are legal agreements between Local Planning Authorities (LPAs) and developers, or unilateral undertakings made by developers, in the context of the granting of planning permission. When reading this SPD, planning obligations refers to either type of legal provision whether by agreement or undertaking.

1.11 S106 agreements are designed to make a development proposal acceptable in planning terms that would not otherwise be acceptable. Planning obligations can be both financial and non-financial and provide a means to mitigate the impacts of a development.

1.12 A S106 agreement forms part of the planning assessment process, and the planning permission is subject to compliance with the S106 agreement. Planning obligations are local land charges and run with the land. This means that they are

intended to be enforceable against the original parties who entered into the agreement or undertaking and in most cases, anyone acquiring an interest in the land after it has been sold or transferred.

1.13 The Council considers each planning application on its merits in line with planning policy and will negotiate and secure planning obligations on a case by case basis.

1.14 Developers are strongly advised to take their own independent legal advice, or the advice of a planning consultant, before entering into legal agreements with the Council.

1.15 This SPD provides policy guidance based on the requirements of the London Plan and the Waltham Forest Local Plan, detailing the types of obligations likely to arise as a result of applying these. The nature of site specific impacts may vary widely depending on the site, its local context and the nature of the proposed development; therefore it is not possible to list every type of development that might be subject to a planning obligation.

What is the Community Infrastructure Levy?

1.16 CIL came into force in April 2010. It is a non-negotiable levy that LPAs in England and Wales can charge on new developments in their Borough. The secured funds are to be used by the Council to support the provision, improvement, replacement, operation and maintenance of a wide range of local and strategic infrastructure required to support growth and development in the Borough.

1.17 The CIL charges are based on the size and type of the new development, with some qualifying developments eligible to apply for exemptions.

1.18 There are two CIL charges payable on qualifying development in Waltham Forest: Local Borough CIL and Mayoral CIL.

Local Waltham Forest CIL

1.19 The Council's CIL Charging Schedule was adopted in March 2014 and came into effect on the 15th May 2014. CIL provides funding to help deliver a wide range of infrastructure projects to support new housing and economic growth to benefit local communities. It allows Waltham Forest to set priorities for what the funds collected under the levy should be spent on and provides a funding stream so that the delivery of infrastructure projects can be planned more effectively. The list of projects to be funded by CIL is set out in the Council's Regulation 123 list and the Council will allocate funds to projects to be supported through CIL as part of its capital programme.

1.20 Further information regarding the CIL levy in Waltham Forest can be found on Council's website: www.walthamforest.gov.uk.

Mayoral CIL

1.21 From the 1st April 2012 the Mayor of London's CIL came into operation. The Mayoral CIL is collected for new developments and is calculated based on the net additional floorspace, measured in square metres of Gross Internal Area. There are some exemptions, for example floorspace for medical or education purposes is exempt, as are developments by charitable organisations and developments delivering affordable housing. Both Local CIL and Mayoral CIL offer mandatory social housing and mandatory charitable relief in line with the CIL Regulations.

1.22 While the Council is responsible for collecting the charge on the Mayor's behalf, the Mayor is responsible for spending the Mayoral CIL. This is currently being allocated to partially fund the delivery of the Crossrail Project.

1.23 Further information regarding the Mayoral CIL can be found on the Greater London Authority (GLA) website: www.london.gov.uk.

What is the relationship between Planning Obligations and CIL?

1.24 The introduction of CIL has changed the framework for planning obligations by introducing a completely new mechanism for charging new development and creating new regulations which have changed when and how the LPA can seek developer contributions.

1.25 While CIL has not replaced S106 agreements, the introduction of CIL and the subsequent CIL Regulations (2010) have resulted in a tightening up of the S106 tests and placed further limits on the use of planning obligations by local authorities to provide infrastructure to support sustainable development in the Borough.

1.26 Planning obligations must meet the tests set out in Regulation 122 and 123 of the CIL Regulations when constituting a reason for the granting of planning permission. The tests under Regulation 122(2) are that a planning obligation must be:

- i. Necessary to make the development acceptable in planning terms;
- ii. Directly related to the development; and
- iii. Fairly and reasonably related in scale and kind to the development.

1.27 S106 agreements should now be focused on addressing the site specific mitigation required by a new development and cannot be pooled in the same way as before to fund infrastructure. CIL has been developed to address the broader impacts of development and is to be used on a strategic basis.

1.28 The requirement for a charging authority to set out a Regulation 123 list ensures that there will be no circumstances where a developer is paying CIL and S106 for the same infrastructure in relation to the same development. The Regulation 123 list for Waltham Forest is published on the Council's website and lists all items

that can be funded in part or in total by CIL. The list is based on the infrastructure projects set out in the Council's Infrastructure Delivery Plan that are required to support growth in line with the Core Strategy. It will be regularly updated to take into account any changes in circumstances and/or infrastructure needs identified in future.

1.29 The provision of affordable housing lies outside of the remit of CIL and will continue to be secured through Section 106 agreements.

Council's Approach

1.30 The key principle of our approach will be that planning obligations will be used to address site specific impacts of developments. They may also be used in situations where a developer does not meet planning policy requirements to provide the necessary infrastructure on the development site. Planning obligations will be negotiated where items sought are clearly linked to the development site and are needed to make that particular development acceptable. CIL on the other hand will be used to provide the money to fund local and strategic infrastructure required to support growth across the Borough.

1.31 Further details of when and how obligations will be secured are set out in the following sections of this SPD. It should be noted that this is not an exhaustive list but details the standard obligations and charges which will be frequently sought.

Cross boundary issues

1.32 There will be instances where the impacts of development within the jurisdiction of adjoining Boroughs 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 Boroughs and seek obligations from the developer accordingly. In these cases, the Council would expect a clause enabling money to be transferred for spending in the Borough if necessary.

Legislative and Policy Context

2 Legislative and Policy Context

Context

2.1 This section sets out the National, London-wide and local Waltham Forest planning policy framework within which the Council uses its planning powers to enable sustainable planning for individual developments and for the Borough as a whole.

2.2 The legislative framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990 (as amended) and the CIL Regulations 2010 (as amended).

The National Planning Policy Framework (NPPF)

2.3 The NPPF was published on 27 March 2012 and sets out the Government's overarching economic, environmental and social planning policies for England and a framework for how these are to be applied together towards achieving sustainable development.

2.4 Under the NPPF, LPAs are required to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (paragraphs 203-206). The framework reiterates the three tests that govern the use of planning obligations in the CIL Regulations, and endorses the principle that planning conditions are preferable to planning obligations. Local authorities are also required to ensure that planning obligations take account of changes in market conditions over time and, wherever appropriate, are sufficiently flexible to prevent development from being stalled.

2.5 The Framework states that supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, but that they should not be used to add unnecessarily to the financial burdens on development. The purpose of this SPD is to provide further detail to the Council's existing policies and whilst it is not part of the development plan, it will be a material consideration in making planning decisions.

2.6 The National Planning Practice Guidance (NPPG) provides useful information and assistance on the policies set out in the NPPF. The NPPG sets out that developers may be asked to provide contributions for infrastructure in several ways, including CIL, Section 106 agreements and Section 278 agreements.

Regional Planning Policy - The London Plan

2.7 The London Plan is the Mayor of London's spatial development strategy. It was first published in 2011, amended in 2013 and again in March 2015. The review process is now underway with the final revised London Plan due to be published in Autumn 2019. The London Plan provides a strategic framework for the integrated economic, environmental, transport and social development of London until 2036. It

works towards achieving sustainable development and sets out the policy requirements that form part of the development plan for Greater London which are to be taken into account in local plan making and the determination of planning applications by local authorities.

2.8 Chapter 8 of the London Plan sets out the Mayor's policies and considerations on planning obligations and strategic infrastructure. The Mayor recognises that infrastructure is an essential element in the delivery of the London Plan, identifying that collaboration between the GLA, LPAs and other key stakeholders is required to achieve the successful delivery of new development and related infrastructure for the future population of London. This is reiterated in Policies 8.1 and 8.3 to ensure that appropriate guidance is provided for Boroughs in the application and effective implementation of the CIL.

2.9 Policy 8.2 of the London Plan states that development proposals should address both strategic and local planning obligation priorities, with the highest importance given to affordable housing, Crossrail funding where appropriate, and public transport improvements. Also of importance is climate change, air quality, social infrastructure and the provision of small shops. Boroughs need to set out a clear framework on planning obligation negotiations in the preparation of local policies.

2.10 Further information can be found on the GLA website: <https://www.london.gov.uk/what-we-do/planning/london-plan>

Mayor of London's Powers

2.11 The Mayor of London has the discretion to determine planning applications of strategic significance, including the consideration of any planning obligations relating to those strategic applications.

Local Development Framework

2.12 The Waltham Forest Local Plan Core Strategy was adopted in March 2012, the Development Management Policies (DMP) Local Plan adopted in October 2013, along with the Area Action Plans (AAP) for Walthamstow Town Centre and Blackhorse Lane, which were adopted in October 2014 and January 2015 respectively.

2.13 The Core Strategy sets out the spatial planning framework for the development of the Borough for the next 15 years. It is a strategic document that provides the broad strategy to enable Waltham Forest to plan for (and manage) change and development over the next 15 years.

2.14 The Development Management Policies and Area Action Plans are aimed at achieving development that delivers the vision and objectives set out in the Core Strategy to bring forward sustainable development.

2.15 Both the Local Plan and DMP rely on planning obligations to support the delivery of development in the Borough.

2.16 Policy CS3 of the Core Strategy highlights the need to provide infrastructure throughout the Borough alongside housing and economic growth by “requiring new developments to contribute towards the provision of social and other necessary infrastructure, with contributions being either on-site, or through planning contributions, or through any applicable Community Infrastructure Levy.”

2.17 A number of the DM policies refer to the use and application of planning obligations, with Policy DM 36 stating the following:

- A. “Where necessary, the Council will seek a planning obligation in order to facilitate development. The Council will ensure that all new developments within the Borough are served by adequate physical and social infrastructure and that such development is implemented with the provision of infrastructure and the mitigation of any environmental impacts. Where existing and planned provision of infrastructure, facilities and services are inadequate to meet the needs generated by a proposal, the Council will negotiate planning obligations to secure measures to meet those needs.
- B. Planning obligations will only be sought where it is not possible to deal with the matter through the imposition of a condition on a planning permission. The Council will negotiate planning obligations in relation to proposed development. These may be delivered in kind or through financial contributions.”

Infrastructure Planning

2.18 As part of the Core Strategy, the Council has produced an Infrastructure Delivery Plan (IDP) to assess the requirements for physical, social and green infrastructure over the next 15 years, to 2026. The IDP provides an assessment of the current and planned supply and likely demand for such infrastructure if the forecast for population growth is achieved. This document will need to be regularly updated to reflect the changing infrastructure needs of the Borough and the use of planning obligations and CIL will assist in the delivery of that infrastructure.

Process, Procedure and Management

3 Process, Procedure and Management

Pre-Application Advice

3.1 It is recommended that discussions on planning obligations should take place as early as possible in the planning process. The Council offers a pre-application service which can be used as the first opportunity for dialogue on the design and overall acceptability of a scheme and to establish the likely mitigation that will be required through a planning agreement. This service provides feedback on the relevant aspects of the development, which may include (but is not limited to), design and access, air quality, biodiversity and ecology, service and delivery, energy efficiency, heritage impact, landscaping, parking, highways and transport.

3.2 Where an application is referable to the Mayor of London, the applicant should seek to engage with Transport for London and the GLA for pre-application advice and discussion.

Planning Obligations Statement

3.3 The Council provides a standard Planning Obligations Statement template, available on the Council's website. This must be completed in full for all major developments and any other scheme where there is a need for planning obligations and submitted with the planning application.

Finalising S106 Agreements

3.4 Following the decision to grant planning permission subject to the finalisation of a S106 agreement, the Council's solicitors, in liaison with the applicant's solicitor, will complete the setting out of any necessary obligations in the form of a binding legal agreement. This agreement will contain the necessary planning obligations, including any trigger points for payment of the contributions, and any other commitments to be undertaken by the developer as well as any covenants placed on the Council. Signed agreements are registered as a local land charge against the land.

Legal Fees

3.5 A standard clause in all agreements requires the applicant to pay the Council's legal fees for drafting and reviewing agreements, and for reviewing unilateral undertakings whether or not the matter proceeds to completion.

Timing and Payment of Obligations

3.6 Where the S106 agreement requires a financial contribution, this will normally be payable on or prior to the implementation of the development. As detailed in the agreement, it is the responsibility of the applicant to inform the Council when this relevant stage is due to occur.

3.7 For larger phased developments, the staging of payments may be acceptable, however these will be negotiated and written into the agreement with a set of established trigger points for each of the stages.

3.8 All financial contributions secured through a planning agreement will be indexed from the date the payment is secured (the date of the agreement) to the date the money is paid. Details will be set out in the agreement. This is to ensure the costs of performing a function or delivering infrastructure take inflation into account.

3.9 Should a payment not be made on the date due, interest will be charged in order to act as a disincentive to late payment, as detailed in the planning agreement.

Deeds of Variation

3.10 Following the completion and signing of an agreement, it may be necessary to modify its contents under Section 106A. Additional time and therefore cost will be required by the Council in the negotiation, preparation and drafting of such a variation and reasonable fees will be charged.

Management and Monitoring

3.11 Planning obligations are enforceable by the Council as the Local Planning Authority under the Town & Country Planning Act 1990 (as amended).

3.12 The Council starts managing and monitoring each agreement from the moment it is signed. This is a complex process as each agreement contains different trigger points and obligations. The Council has a S106 officer who is responsible for recording planning agreements, monitoring the developer's compliance with financial and non-financial obligations and reporting on the status of S106 agreements.

3.13 In accordance with the obligations of an agreement, the applicant may be required at different stages of the development to provide documentation to the S106 officer to confirm that all financial and non-financial obligations have been met.

Policy Priorities and Planning Obligations

3.14 The following sections of this SPD provide greater detail on the range of planning obligations that will be sought by the Council, subject to meeting the tests under Regulation 122 of the CIL Regulations 2010 (as amended).

3.15 As it is not possible to detail every type of development or circumstance in which a planning obligation may be required, each planning application will be considered on its own merits. Planning obligations may be refined based on the site specific characteristics and impacts of a development and planning officers may take into consideration any relevant evidence and legislation in consultation with other key Council officers.

3.16 Any numerical information relating to prices, formulas and, subsequently, the level of contributions due in this SPD will be updated on a regular basis to ensure that this document remains relevant. These changes will be published in the Local Plan Authority Monitoring Report. Any amendments to fee schedules will also be published on the website.

3.17 Each of these sections will be broken down into the following:

- Policy Context
- Financial Obligations
- Non-Financial Obligations

Affordable Housing

4 Affordable Housing

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
CS2 Improving Housing Quality and Choice	DM3 Affordable Housing Provision DM5 Housing Mix	<ul style="list-style-type: none"> • The Mayor's Draft Affordable Housing and Viability SPG 2016 • The Mayor's Housing Standards Viability Assessment • LBWF Housing Strategy 2008-2028 • LBWF Affordable Housing Guidance 2014 • London Borough Viability Protocol 2016

Policy Context

4.1 The Council seeks to maximise the number of quality affordable homes in the Borough. The Council's approach to affordable housing is set out in the adopted Core Strategy Policy CS2 'Improving Housing Quality and Choice' and the adopted Development Management Policy DM3 'Affordable Housing Provision'.

4.2 In accordance with these policies, the Council will seek to secure at least 50 per cent of homes as affordable on all new residential development in the Borough. The Council will support the delivery of new high quality homes with a range of tenures to meet the needs of local residents.

Viability and Financial Obligations

4.3 The level of affordable housing will be considered on a site by site basis. On sites capable of providing 10 or more homes, including mixed-use schemes, affordable housing should be delivered on site unless there are exceptional circumstances to justify otherwise.

4.4 As part of the planning application process, viability testing is undertaken to ensure that developments are deliverable. Where a viability case is used to justify an affordable housing offer below policy requirements and it is agreed by the Council, the Council will require as part of the S106 agreement, subsequent viability assessment/s to be undertaken, at the applicant's cost. Should viability have improved, the Council will seek further affordable housing provision on-site up to a maximum

of the policy shortfall or a financial contribution up to a maximum of the policy shortfall. Further guidance will be provided in the Council's forthcoming Affordable Housing and Viability SPD.

4.5 The Council will seek a range of dwelling sizes and tenures to meet affordable housing requirements. Further guidance is available in the Council's Affordable Housing Guidance 2014 and will be updated in the Council's forthcoming Affordable Housing and Viability SPD and Housing Delivery SPD.

4.6 Any proposed changes to the affordable housing elements agreed in a S106 agreement will be required to be formalised with the Council through a deed of variation process.

4.7 The Council is a member of the London Borough Viability Group, which has published a London-wide protocol to provide greater clarity to developers and members of the public, providing advice on the information requirements and approaches that local authorities intend to apply when assessing viability. The Council expects developers and applicants to take the contents of this protocol into consideration. Further details can be found here: http://londonviability.org.uk/london_borough_viability_group.aspx

4.8 Developer contributions received in lieu of the provision of affordable housing will be spent on the Council's Homebuilding Programme and other affordable housing initiatives.

Sustainable Transport and Highways

5 Sustainable Transport and Highways

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
<p>CS7 Developing Sustainable Transport</p> <p>CS13 Promoting Health and Wellbeing</p>	<p>DM13 Co-ordinating Landuse and Transport</p> <p>DM14 Sustainable Transport Network</p> <p>DM15 Managing Private Motorised Transport</p> <p>DM16 Parking</p> <p>DM23 Health and Wellbeing</p>	<ul style="list-style-type: none"> • Waltham Forest Transport Local Implementation Plan • 2020 Vision: Cycling in the London Borough of Waltham Forest

Policy Context

5.1 The provision of a safe, accessible, efficient, sustainable and integrated transport network is vital in ensuring that all residents have access to services within and outside of the Borough. The Council is also committed to promoting high quality public transport services and delivering an attractive, well-designed street network that reduces the need for travel by private modes of transport.

5.2 New development will place additional stress on the Borough’s transport and highway networks including: public transport infrastructure, bus services, local cycle infrastructure, pedestrian and cycle safety education and training, travel awareness publicity and interchange accessibility improvements.

5.3 Specific strategic transport schemes will be funded through CIL, which are to be listed in the Council’s Reg.123 list.

5.4 Individual developments may cause a site-specific impact which should be directly addressed through the development itself. Where that cannot be achieved, the Council will use S106 agreements to mitigate the impact of the development in accordance with the Reg.122 test and the use of Section 278 agreements as appropriate.

5.5 As capacity requirements continue to rise, the Council will work closely with Transport for London to address the demand on local bus, rail and tube networks and supporting infrastructure. This will be particularly pertinent for development located in areas of high growth throughout the Borough which is likely to see broader impacts on traffic, highways and to the public transport system.

Financial Obligations

5.6 Sustainable transport planning obligations will be sought to address a shortfall, where a development cannot demonstrate in the supporting Transport Assessment and Travel Plan to the Council's satisfaction that the expected traffic impacts will be fully mitigated by the Borough's transport network.

5.7 Some development proposals will require works to be carried out to existing public highways in order for the development to be deemed acceptable. These works will be determined on a case-by-case basis by the Council's Highway Engineers and wherever possible, will focus on improving access to public transport and promoting walking, cycling and the expansion of the Council's Enjoy Waltham Forest scheme (<http://www.enjoywalthamforest.co.uk/>). These works may include, but are not restricted to, junction alterations or improvements, traffic calming schemes, cycle lanes or facilities, bus priority measures and improvements or footway works and will normally be required at the development site, and/or in the vicinity of the development. In these circumstances, agreement under both the Town and Country Planning Act and Section 278 of the Highways Act 1980 will be required.

5.8 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 the Highways Act 1980, which may include the provision of a commuted sum, where necessary. 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).

5.9 A network of strategic roads has been established in London which comprises the TfL Road Network and a number of Borough principal roads. In the Borough of Waltham Forest these include the A406 (North Circular Road) and A12 (Hackney to M11 link road) of which TfL are the highway authority. The A104 Lea Bridge Road, A112 High Road Leyton, Hoe Street, Chingford Road, Chingford Mount Road, Old

Church Road, Mansfield Hill and Sewardstone Road remain the responsibility of the Borough, but scheme and works approvals are required from TfL to ensure that the road network is not compromised.

5.10 There are two main ways for public highways works on Borough roads to be carried out through S106 agreements. In both cases, the Council will exercise control over the design of the works and be responsible for the implementation of the scheme.

- The Council can design and carry out the works at the developer's expense, or;
- 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.

5.11 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 Highway Engineers would need to approve the scheme.

Non-Financial Obligations

5.12 Council policy is to encourage car-free and car-capped developments, thus reducing car ownership for residential developments in locations within controlled parking zones (CPZ's) that are easily accessible by public transport, where amenities, including shops and leisure facilities are within easy walking distance. The Council also encourages the use of electric vehicles through the provision of electric vehicle charging points.

5.13 Non-financial obligations may include agreements for car-free and car-capped (permit free) development, the provision of car clubs either on site or nearby, or provision of membership for new residents to existing car clubs.

5.14 Where developments are proposed in existing CPZ's, the Council will seek an agreement from the developer via a planning obligation to ensure that new residential units are not used and/or occupied by residents that hold existing parking permits and that such new occupiers will not be entitled to apply for a new residents parking permit either.

5.15 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 and the subsequent management of the car club are to be agreed with the Council. Measures to promote the car club may include the provision of free membership to residents, while in some cases the Council may also encourage the developer to enter the scheme into a joint car club with another site or a workplace car club.

5.16 Transport Assessments and Travel Plans may also be required for certain developments to evaluate the potential transport impacts and demonstrate how these can be minimised and mitigated. During the assessment of a planning application, traffic modelling may be required to demonstrate that the development does not impact on the network. Developers may be able to use existing Borough models, if available.

For further information on travel plans, car clubs or car-free development please contact the Council's Sustainable Transport Team.

Business and Economic Development

6 Business and Economic Development

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
CS8 Making Efficient Use of Employment Land	DM18 Strategic Industrial Locations DM19 Borough Employment Areas DM20 Non-Designated Employment Areas	<ul style="list-style-type: none"> • LBWF Economic Growth Strategy 2016

Policy Context

6.1 Council’s strategic objective to "facilitate sustainable economic growth by safeguarding and enhancing an appropriate range of sites and premises to meet the demands of local businesses and growth sectors" is focused on ensuring that local residents have access to high quality services, industries and well paid jobs within the Borough.

6.2 As such, all development that results in a net loss of employment land, uses or jobs will be required to enter into a planning agreement to mitigate against the loss.

6.3 The Economic Growth Strategy approved by Council in 2016 sets out the Council’s role in supporting growth under five key themes which are fundamental to delivering economic growth in the Borough:

- 1. Business** – we will keep, seed and grow businesses in the Borough to ensure Waltham Forest’s economy thrives and overall productivity increases.
- 2. Town Centres** – we will support and promote retail, business, cultural, leisure and residential investment in our town centres that recognises their unique identities and invests in their future.
- 3. Homes** – we will aim to build 12,000 new homes by 2020, including 50% affordable, creating great places to live.

4. **Employment and Skills** - we will make sure local people have the skills and ability to access high-quality employment in the Borough and across London.
5. **Infrastructure** – we will ensure that growth supports the delivery of new facilities and infrastructure across the Borough.

Financial and Non-Financial Obligations

6.4 Developers are expected to be open and transparent throughout the planning process, specifically in relation to the viability of a potential development site and the Council is committed to working with all applicants in safeguarding and enhancing the employment land throughout the Borough.

6.5 Financial contributions secured through loss of employment floorspace will be used by the Council towards the following:

- Support to the business brokerage service to connect local businesses with available space within the Borough;
- Local supply chain development and procurement;
- The provision of marketing support, lease arrangements and shared management facilities for small business start-ups and community workspace;
- Cluster and growth sector development;
- Upgrades to existing business space and the provision of key infrastructure support;
- The provision of, or improvements to affordable workspace; and
- Support for local small to medium enterprises (SME's) including workspace improvements and local workforce development, including up-skilling initiatives.

6.6 The list above is not exhaustive, and is dependent on the needs of the local business and employment sector as identified by Council's Business Growth, Investment and Employment Service.

Calculations for Loss of Employment

6.7 The 2016 Waltham Forest Employment Land Study (Baseline Report) indicates that although the Borough has a growing working age population, this doesn't "translate into a strong labour market in terms of high employment and skills levels. Waltham Forest suffers from high levels of deprivation, poor skills levels, high unemployment and high claimant counts indicating a host of concerns for the Borough." As such, it is vital that any loss of any employment land, uses or jobs within the Borough is satisfactorily offset by the developer to ensure that local residents are provided with the necessary skills and training to ensure that Waltham Forest maintains this working age population for the benefit of the Borough.

6.8 The following calculation will be used where a proposed development is resulting in a net loss of employment land, uses or jobs:

Number of jobs lost*

X

Cost of training per employee (£3,500)**

=

Total Payment Due

*The figure for the number of jobs lost will be based on employment densities (HCA Densities Guidance 2015 or updated), see Table 6.1, and evidence provided by the applicant on marketing and vacancy periods. Applicants are required to provide the Council with the net internal area (NIA), gross internal area (GIA) and gross external area (GEA) measurements to facilitate this calculation. If these cannot be provided, the Council will use the conversion set out in the HCA Density Guide.

**The figure for employee training is taken from Government work programme costs. The level of contribution payable will be £3,500 for each job lost. This is the DCLG estimated figure for the cost of supporting those who are at risk of becoming long-term unemployed into sustained employment via the 'Work Programme'. Loss will be calculated at the point of submission of the planning application.

Table 6.1: Taken from the Waltham Forest Employment Land Study (2016) and revised HCA Density Guidance 3rd edition (2015)

Employment Type / Class Use	Average Floorspace per employee (square metre)
B1a / B1b	12 sqm / employee (NIA)
B1c / B2	36 sqm / employee (GIA)
B8	70 sqm / employee (GEA)

These figures are regularly updated and it is proposed to link contributions required for this obligation to ensure that the fluctuating costs of providing services are taken into account. Revisions to this figure will appear on the Council's website when available.

Affordable Workspace

6.9 Providing a range of workspace units and typologies with different levels of affordability will create opportunities for local small businesses to expand and grow, and create new jobs for local residents. During the Pre-Application and Planning Application stages, developers will be required to discuss the provision of affordable workspace with the Council's Business Growth, Investment and Employment Service, in conjunction with the Economic Growth Strategy 2016.

For any further information on Business and Economic Development, please contact the Council's Business Growth, Investment and Employment Service.

Local Employment and Training

7 Local Employment and Training

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
<p>CS10 Creating More Jobs and Reducing Worklessness</p>	<p>DM21 Improving Job Access and Training</p>	<ul style="list-style-type: none"> • LBWF Economic Growth Strategy 2016 • LBWF Employment and Skills Prospectus

Policy Context

7.1 The Council is committed to breaking down the physical barriers of access to employment opportunities throughout the Borough and is focused on maximising the number and variety of jobs and apprenticeships available, and improving the skills, training and employment opportunities for local residents.

7.2 As detailed in the Council’s Economic Growth Strategy, the Council is committed to ensure that local people have the skills and ability to capture the opportunities of growth and to access high-quality employment in the Borough and across London. The Council is supportive of specialist initiatives that enhance the skills of local people, through the provision of specialist training in the creative, construction and urban services growth sectors.

7.3 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 through Local Labour Agreements.

Financial and Non-Financial Obligations

Local Labour Agreements

7.4 The use of local labour on development sites, from the construction phase through to the end use (in cases where it is employment generating), is expected with an aspirational target of securing 100% of jobs for local Waltham Forest residents that will be carried forward through planning obligations. It is considered that developers will benefit greatly from using local labour, through a reduction in transport and logistical costs, and a reduced risk of unnecessary or unforeseen delays.

7.5 As part of the planning agreement, developers will be required to submit Employment and Training Project Plans that are to be agreed with the Council for the duration of construction. Contractors will be required to provide the Council with quarterly monitoring data to demonstrate progress towards meeting the targets set out the in agreement. The Council is committed to working with developers and

contractors to ensure that these targets are met and if evidence cannot be sufficiently provided as confirmation, a default payment clause may be included in the agreement for major developments to ensure that the needs of the local labour market are adequately met. This will be calculated as 3% of the total build cost, irrespective of the total build cost of the scheme and when received, will be spent by the Council towards training local people and supporting them in sustainable employment opportunities.

7.6 Developers will also be required to work with Council's Business Growth, Investment and Employment Service to ensure that jobs are advertised locally and that centralised exchanges are established to bring together job seekers and employers. A close working relationship with designated training providers will be necessary to develop initiatives which will provide education, training and employment advice or programmes. These will be focused on enabling local people to obtain the knowledge, skills, experience, and confidence to gain employment.

7.7 Monetary contributions received from new developments will be used for activities that support the provision and delivery of: skills training, employment support, job brokerage and work placements, local labour programmes, supply chain management and programmes.

Local Labour – Apprenticeships

7.8 As outlined in the HM Government publication 'English Apprenticeships: Our 2020 Vision', there is a commitment to ensure an additional 3 million apprenticeships in England by 2020 and the Council supports this through the provision of access to jobs and training for local young people and adults within the Borough. A paid apprenticeship programme should combine on the job training and academic instruction for those entering the workforce, which lasts a minimum of 40 weeks per apprentice post and includes a salary of at least the London Living Wage.

7.9 Apprenticeships are encouraged on all major developments and will be negotiated on a site by site basis with a general guidance of 1 apprentice per £2m investment in situations where the construction phase is expected to last at least one year.

Local Labour – Construction Phase

7.10 The Business Growth, Investment and Employment Service works with employers, responding both to their requirements and to the needs of unemployed residents in accessing construction sector jobs. This is done by identifying appropriate positions within the various works packages that support entry level, improver, journeyman, apprenticeships and trainee type roles and by providing access to appropriately capable employees to assist developers and contractors in meeting local employment obligations.

7.11 The Council seeks that construction work placements for local residents, each lasting a minimum of 26 weeks, should be facilitated during the construction phase of a development.

7.12 The number of placements sought will be based on the estimated number of construction jobs likely to be created by each development, taken from information provided for completed developments in the Borough and the extent of local training and support needs based on unemployment figures.

7.13 For all major developments, 1 construction training placement will be required per:

- 20 residential units;
- 20 student/ hotel/ hostel bedrooms;
- 1000 sqm (GEA) commercial and employment floorspace (additional and/or replacement).

7.14 Should it not be possible to provide these placements, the Council will seek an equivalent contribution for construction training, support and local procurement to enhance the prospects of the use of local employment in the development. This will be based on the following formula:

Number of construction placements (based on criteria above)

X

Cost of providing construction training and support per placement (£3,234*)

=

Contribution due

*This figure is based on the average cost per person of a Level 1 and Level 2 Diploma in construction skills provided by a local Waltham Forest college (using 2016/17 prices). This figure is subject to change by the Business Growth, Investment and Employment Service and updates will be provided on the Council's website.

Local Labour – End User

7.15 In order to place residents into jobs developers will be expected to provide the Council advance notice of jobs to be created by the development and details of the requisite skills to undertake these jobs in order to ensure sufficient resources are allocated in any jobs brokerage programmes (e.g. Steps in Work).

7.16 Jobs brokerage programmes need to work with far more candidates than the number of jobs created as there are many stages to ensure the right candidate is placed into the right job. These stages include: meeting with the employer to agree upon the recruitment process, working with the employer to develop appropriate pre-recruitment training, advertising the opportunities available, outreach to local communities, inviting candidates in for initial selection and screening events, placing them into training, preparing for and placing into interviews and securing feedback from employers.

For further information on Local Employment and Training, please contact the Council's Business Growth, Investment and Employment Service.

Regeneration, Town Centres and Streetscapes

8 Regeneration, Town Centres and Streetscapes

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
<p>CS12 Protecting and Enhancing Heritage Assets</p> <p>CS14 Attractive and Vibrant Town Centres</p> <p>CS15 Well Designed Buildings, Places and Spaces</p> <p>CS16 Making Waltham Forest Safer</p>	<p>DM1 Sustainable Development and Mixed Use Development</p> <p>DM25 Managing Town Centre Uses</p> <p>DM26 New Retail, Office and Leisure Developments</p> <p>DM27 Night Time Economy Uses</p> <p>DM28 Heritage Assets</p> <p>DM29 Design Principles, Standards and Local Distinctiveness</p> <p>DM30 Inclusive Design and the Built Environment</p>	<ul style="list-style-type: none"> • LBWF Town Centre Strategy and Delivery Plan 2016 • LBWF Blackhorse Lane Area Action Plan • LBWF Walthamstow Town Centre Area Action Plan • LBWF Draft Wood Street Area Action Plan, as amended • LBWF Draft Northern Olympic Fringe Area Action Plan, as amended • LBWF Urban Design SPD • LBWF South Grove St James SPD • LBWF Public Houses SPD • LBWF Norlington Road SPD • LBWF Shop Front SPD • LBWF Inclusive Design SPD • LBWF Hot Food Takeaway SPD • Draft Lea Bridge and Leyton Vision, as amended • Conservation Area Appraisals

Policy Context

8.1 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 Legacies of the London 2012 Olympic Games for all local residents and businesses.

8.2 The Council has developed area-based regeneration strategies for Blackhorse Lane, the Northern Olympic Fringe area (Leyton and South Leytonstone), Walthamstow Town Centre and Wood Street. Walthamstow is 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. A long-term vision is currently being developed for the Lea Bridge and Leyton region, an area of focused growth and development over the next 10 years. The Borough also contains a number of district and local centres which are an important focus for retail, commercial and cultural activity and on-going improvement and investment.

Financial and Non-Financial Obligations

8.3 The Council may seek regeneration planning obligations for major developments of more than 10 residential units or 1000sqm, located within the areas identified in the Town Centre Strategy and Delivery Plan 2016, which meet the Reg.122 test and where it has been identified as necessary as part of the planning assessment.

Heritage Assets

8.4 Where appropriate, the Council will seek contributions towards the maintenance and repair of heritage assets where significant harm is justified in accordance with national policy. A programme of work will be secured with mitigation measures as part of the S106 agreement. The level of the contribution will reflect the scale of the development and the harm to the heritage asset, and will be informed by site analysis and character appraisals submitted as part of the planning application.

8.5 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 and historic pavement materials.

Social Infrastructure

9 Social Infrastructure

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
<p>CS3 Providing Infrastructure</p> <p>CS8 Making Efficient Use of Employment Land</p> <p>CS9 Promoting Better Education</p> <p>CS11 Tourism Development & Visitor Attractions</p> <p>CS13 Promoting Health and Well-Being</p> <p>CS14 Attractive and Vibrant Town Centres</p>	<p>DM7 External Amenity and Internal Space Standards</p> <p>DM12 Open Space, Sports and Recreation</p> <p>DM17 Social and Physical Infrastructure</p> <p>DM22 Tourism Development & Visitor Attractions</p> <p>DM23 Health and Wellbeing</p> <p>DM27 Night Time Economy Uses</p> <p>DM33 Improving Community Safety</p>	<ul style="list-style-type: none"> • The London Mayor’s SPG Shaping Neighbourhoods: Play and Informal Recreation • LBWF Open Space Strategy 2010-2020 • LBWF Playing Pitch Strategy • WF Child & Adolescent Mental Health Transformation Plan 2015-2020 • NHS Waltham Forest CCG Annual Public Health Report • CCG & LBWF Joint Strategic Needs Assessment Report • Active Communities 2020 – Waltham Forest’s Voluntary, Community and Social Enterprise Sector Strategy • Culture White Paper 2016 • Taking Our Place in London – LBWF Culture Strategy 2010-2030 • Arts for All – Great Arts and Culture in Waltham Forest • Arts Strategy Action Plan 2016/17

Policy Context

9.1 Social infrastructure is defined in the Local Plan as a wide variety of services that are essential to the sustainability and wellbeing of a community. This includes educational facilities, health services, sports and leisure facilities, libraries, jobs brokerage centres, community space and faith facilities, cultural facilities and meeting rooms, halls and pubs.

9.2 The Council will resist the loss of existing community, leisure or educational facilities as a result of new development throughout the Borough. Community facilities are important for the communities they serve because they enable volunteering, the establishment of community groups and are the means by which local residents can be genuinely empowered. The Council has a vision to work with communities and the voluntary, community and social enterprise sector to increase community interaction, volunteering and support cohesive neighbourhoods which characterise the Borough.

9.3 The NPPF recognises that cultural well-being is a key component of providing the social aspects of sustainable development, while the London Plan identifies the need to provide arts and cultural facilities in major mixed use developments. Waltham Forest is well placed for the development of a strong tourism sector, through the provision of unique attractions including the Lee Valley Regional Park, which is one of the nine Strategic Cultural Areas identified in the London Plan to be promoted, enhanced and protected. As detailed in the Arts and Culture Strategy and Action Plan, Waltham Forest has a vision to be the lead outer London Borough for arts and culture and will look towards enhancing the creative economy through improvements to cultural assets including arts, music and theatre venues and spaces, cinemas, museums, archives and galleries and through the encouragement of artists' studios, rehearsal and production spaces.

9.4 The Council's aim to improve the health and wellbeing for all residents will be achieved through ensuring that development positively influences the wider and spatial determinants of health, such as walking and cycling networks and the provision of local facilities and services within easily accessible areas, thus enabling residents to make healthier choices.

9.5 The Council recognises that new residential development, and the consequential increase in local population, places increasingly cumulative pressure on local health facilities. The Council is working with a range of public sector partners on the One Public Estate programme to deliver new, relocated and co-located community hub network centres. Regular consultation with the Waltham Forest Clinical Commissioning Group (CCG) enables a collaborative process towards the provision of new or improved health facilities within the Borough for the benefit of all local residents.

Financial and Non-Financial Obligations

Arts and Culture

9.6 In accordance with DM22, the loss of tourist and leisure attractions to alternative uses will only be allowed where the need for such use no longer exists, or there are overriding regeneration benefits to their loss, which could include mitigation through re-provision elsewhere in the Borough. Applicants proposing cultural and leisure

facilities are encouraged to work with the Council during pre-application stage to ensure that any impact on residential amenity and local business will be minimised and set out in a management plan.

9.7 As set out in DM33, new developments should contribute towards community safety and cohesion. Arts-led public realm projects and interventions can add to the vibrancy and character of an area while helping to ensure that new developments are welcoming and appealing places to live, work and visit. Public art on construction hoarding can also provide visual interest along street frontages, soften the impact of a construction site on a local area, deter fly-posting and present a further opportunity for engagement with local artists and the community. Applicants proposing developments with arts-led public realm spaces and construction art hoarding should engage with the Council during the pre-application stage.

9.8 The creative industries continue to represent a significant part of London's economy as well as the creative industries for the UK as a whole, as identified by GLA Economics Working Paper on the creative industries in London (2015). The Waltham Forest Arts Strategy Action Plan 2016/17 sets a vision to be the leading cultural Borough in outer London to attract and retain creative people and organisations to support the development of cultural tourism. The Council supports the creation of suitable workspace for business start-up and expanding local businesses, especially studio space and craft workshops in Borough Employment Areas. Reference should be made to Section 6 of this document, relating to the provision of affordable workspace.

Children's Play Space

9.9 As per Council policy, the provision for on-site play space is favoured for all new development proposals. Where it can be demonstrated that there are planning constraints that make delivery of the minimum external amenity play space standards on site impossible, as outlined in DM7, the Council will require contributions towards the enhancement or upgrade to local open space in the vicinity of the development.

9.10 Where there are existing facilities in the vicinity that can be extended or improved to enable them to meet the additional demand directly generated by the development concerned, a financial contribution may be acceptable when secured by a planning obligation. The level of contribution required will relate directly to the scale of the development, the cost of the schemes to provide or improve open space and / or children's play areas and any maintenance that may be required.

9.11 In general, developments containing 10 or more child bed spaces must provide for children's play space with a minimum of 10sqm of play space per child. The London Mayor's Supplementary Planning Guidance Shaping Neighbourhoods: Play and Informal Recreation provides additional guidance and a play space calculator that can be used to calculate any shortfall in required space.

Open Space and Allotment Sites

9.12 The provision of open space throughout the Borough is a significant feature for sporting, recreational, nature conservation and cultural purposes. It is important that open space is of a high usable quality in order to provide adequate space for relaxation, promote active lifestyles and to strengthen the sense of community.

9.13 Where new major development cannot provide for high quality and usable open space on site or where the provision is deemed to be insufficient for the scale and nature of the development, the Council will seek planning contributions towards the creation of new open space and pocket parks or for maintenance, enhancements and upgrades to existing open space within the vicinity of the development. The level of the contribution required will relate directly to the scale of the development and the cost of the open space improvement and / or maintenance schemes.

9.14 The Council will also resist the loss of allotment sites, with new development expected to contribute to the supply, quality and accessibility of private and communal spaces on which to grow food and flowers. Any obligations secured must also have a maintenance plan in place, which outlines the necessary long-term maintenance costs and requirements.

Education and Early Childcare Facilities

9.15 DM17 recognises that new development must meet the increasing demands for social infrastructure by contributing towards supporting upgrading or enhancing existing facilities or providing for new facilities. For education purposes, this includes early years, primary, secondary, further education and adult learning.

9.16 The Council will resist the loss of existing educational facilities within the Borough, and may seek contributions for increased or improved education provision to meet the needs arising from major residential or mixed-use developments of 10 or more dwellings where identified as necessary in the planning process.

9.17 The Waltham Forest Childcare Sufficiency Assessment undertaken in March 2016 highlights that more early education places will be required over the next five years to cater for population growth, gentrification and increased uptake of free early education. Given the current lack of suitable early childcare premises throughout the Borough, this will be difficult to achieve without the additional provision of flexible space in new developments.

9.18 In some circumstances, it may be possible for a development to incorporate an education or childcare facility, particularly as part of a mixed-use development. The details of the scale and design of any proposed works will be discussed between the Council and the applicant as part of the pre-application and planning assessment process and, where necessary, incorporated into the planning agreement.

For further information on Education and Early Childcare, please contact the Council's Education Team.

Health

9.19 The Council will resist the loss of existing health services, including primary and secondary health care in line with DM17. Obligations may be sought to enhance existing facilities that do not have the capacity to cater for the additional increase in users created by a proposed development. Obligations may also be sought where there is inadequate funding available from alternative sources to provide the facilities or services required as a result of the development.

9.20 Where the opportunity arises, a health facility may be incorporated as part of a new major development, particularly in mixed-use developments. The Council generally supports the provision of high quality health facilities in areas of growing and changing population that have been identified as underprovided or as having a particular future need. The Council works closely with public health organisations (including the One Public Estate programme) to understand the current and changing health requirements of the local population and will support the provision of health infrastructure on sites where it has been deemed necessary.

9.21 The Council will also generally support the provision and fit-out of buildings for community health services within proposed major developments, if the development is located within an area of identified growth need, and will contain a mixture of different uses. Such spaces may then be utilised for local preventative healthcare purposes, including mental health and sexual health.

Voluntary and Community Sector Support

9.22 A vibrant and healthy local voluntary and community sector plays an invaluable role in providing vital services and social infrastructure for residents, building cohesive communities and helping residents enjoy a better quality of life.

9.23 The Council would like to see community benefits promoted through economic, social and environmental renewal including improving and enhancing the current range of facilities alongside the provision of voluntary sector support. The Borough has a diverse range of community groups and voluntary sector organisations providing services for local people. These groups need flexible community spaces and resources to allow the groups and activities to take place. It is in the community's interest that we protect, improve and upgrade the existing community facilities and only provide additional facilities in areas where there is a clear ask and/or evidence that this will enhance the work of current groups.

9.24 The Council will seek to support these community groups and organisations by encouraging the improvement or upgrading of the current stock of land and properties or the provision of flexible spaces as part of new developments, which could be used directly by the organisation or via a development trust or similar body.

When new residential development is proposed consideration should be given to the capacity of existing facilities and any impact this development will have on existing provision. In the interests of sustainability and cost efficiency, it will often be more appropriate to improve the condition of existing buildings; re-use unoccupied existing buildings or increase usage out-of-hours of buildings used only during certain times. Information about the condition of existing stock and the priorities for improvement is kept by the Council's Corporate Asset Management Team.

Environment and Biodiversity

10 Environment and Biodiversity

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
<p>CS5 Enhancing Green Infrastructure and Biodiversity</p> <p>CS11 Tourism Development and Visitor Attractions</p>	<p>DM22 Tourism Development and Visitor Attractions</p> <p>DM24 Environmental Protection</p> <p>DM34 Water</p> <p>DM35 Biodiversity and Geodiversity</p>	<ul style="list-style-type: none"> • LBWF Biodiversity Action Plan 2010-2020 • LBWF Local Flood Risk Management Strategy 2015 • LBWF Tree Strategy 2010-2020 • LBWF Open Space Strategy 2010-2020

Policy Context

10.1 A clean, attractive and safe environment is important for residents and visitors to the Borough. The Council aims to make the Borough a more attractive place to live and work through the protection, enhancement and further development of multi functional green infrastructure, delivering a range of benefits for both people and wildlife.

Financial and Non-Financial Obligations

Flood Risk and Management

10.2 In line with planning guidance on flood risk, development can be made safe by being located where there is the lowest risk of flooding and by being managed through the provision of adequate flood risk infrastructure. It is expected that any necessary flood mitigation measures are to be provided by the developer through on or off site provisions to make a proposed development acceptable. As identified in DM34, new or upgraded infrastructure to reduce and mitigate against flood risk may be provided through contributions where necessary. Planning obligations through S.106 agreements will be sought only in accordance with the R.122 tests on a site-by-site basis, determined in relation to the nature and scale of a proposed development.

Biodiversity and Nature Conservation

10.3 In line with the NPPF, the Council has a responsibility when assessing planning applications to conserve and enhance the natural and local environment and will ensure that opportunities are taken to protect biodiversity, wildlife and habitat connectivity throughout the Borough. Significant harm to biodiversity resulting from a development proposal should be avoided, with mitigation through planning obligations to be used only as a last resort in exceptional circumstances.

10.4 Council policies are to resist development which endangers the integrity of green corridors and promote the conservation and enhancement of all accessible green routes for people and wildlife, seeking to establish new green corridors where appropriate. On development sites where retention, restoration or enhancement of existing biodiversity resources is not deemed possible, the developer may be requested to contribute towards appropriate improvement and conservation of existing wildlife habitats and features on highway land, green spaces, parks and woodlands, which may include the provision of trees, bird nesting boxes, roost boxes for bats, habitats for bees, butterflies and insects, wild flower planting, shrub planting and the provision of long grass areas.

10.5 In circumstances where an arboricultural report has been submitted and the Council is satisfied that some or all of the existing trees cannot be kept or replanted on site, a financial contribution may be sought towards the provision of and maintenance for a tree/s to be planted elsewhere within the local area, with a view to enhance the existing natural environment.

Waterways and Walthamstow Wetlands

10.6 As identified in the Council's policies, land adjacent to waterways contributes to the green infrastructure network and is valuable for sport and recreation, as well as flood defence. The Council is keen to increase public access to waterways for recreation purposes, however this needs to be balanced with the need to provide undue disturbance on sensitive species and habitats.

10.7 The Walthamstow Wetlands has been identified as having the potential to become a regionally significant and locally valuable leisure facility and nature reserve. The Council is keen to establish better access and connections around the wetlands and ensure the long-term maintenance of these connections for the benefit of local residents and visitors to the Borough. Planning obligations may be sought to ensure the long term sustainability of waterways and wetlands, where necessary in line with Reg.122.

Environmental Protection

11 Environmental Protection

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
<p>CS13 Promoting Health & Wellbeing</p>	<p>DM13 Co-ordinating Land use and Transport</p> <p>DM24 Environmental Protection</p>	<ul style="list-style-type: none"> • The London Councils Air Quality and Planning Guidance • The London Mayor's Sustainable Design and Construction SPG 2014 • LBWF Air Quality Action Plan • LBWF Contaminated Land Strategy

Policy Context

11.1 In line with the London Plan, the Council supports the view that all development within the Borough must adhere to the highest environmental standards, meeting the requirements for air quality neutrality, reducing pollution exposure, reducing emissions from demolition and construction and addressing contaminated land pollutants.

11.2 As the Borough's population continues to increase, it is crucial that new development should be designed and built to maximise the positive effect on residents quality of life and the local environment, and ensure negative environmental impacts are minimised or avoided through careful design and management.

Financial and Non-Financial Obligations

Air Quality Monitoring

11.3 As identified in the Council's Air Quality Action Plan (AQAP), the entire Borough of Waltham Forest has been declared an Air Quality Management Area (AQMA), which highlights pollution levels that exceed the Government's Air Quality Objectives. The Council will continue to seek planning obligations when it is identified during the planning process that the construction of a development or the operation of a certain use of a development will potentially harm or cause impact to the surrounding environment.

11.4 The Council's AQAP 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, can be downloaded from the Council's website. Also available for download is the latest version of the Council's Annual Status Report (ASR).

11.5 Developments which may have a negative impact on air quality or are located in an area where the existing air quality is poor and therefore will have a further detrimental impact on the local environment, will require a contribution towards the implementation of the AQAP.

11.6 The following are identified as the primary ways in which a development may have a significant air quality impact:

- 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 AQAP, and
- If the Air Quality Assessment concludes that the Air Pollution Exposure Criteria is five per cent below the 2010 proposed objectives for each pollutant (APEC – from the London Council Planning Guidance).

11.7 Contributions will be determined on a site by site basis, reflecting the particular characteristics of the proposed development and the local context and used towards site specific monitoring and control of air quality emissions. The air quality monitoring costs relate to the purchase, service and maintenance of specialist monitoring equipment to be used to ensure the construction and operational phases of the development do not negatively impact on the local area. Funding will also be used to implement measures contained in the Council's AQAP to improve air quality on-site. These measures will be in the immediate vicinity of the specific development. For example, funding to pay for a Construction Impact Monitoring Officer to ensure that air quality issues caused by the site development are adequately addressed as well as business and community engagement to identify pollution issues in the area and provide solutions which improve local air quality benefiting the development's residents.

11.8 In addition to detailed air quality assessments, air quality neutral assessments are now also required to demonstrate compliance with Policy 7.14 of the London Plan. When it is identified that a development is not air quality neutral, a marginal abatement cost (MAC) as calculated by the GLA's Air Quality Neutral Planning Update will be required. This will be secured through planning agreements and therefore an air quality neutral assessment is required prior to planning permission being given. All major new developments will have to calculate the building and transport emissions and compare these with a benchmark for development.

11.9 Sites that are not air quality neutral will have to implement mitigation measures or pay a MAC for both building emission benchmarks and transport emission benchmarks. This figure is currently £29,000 per tonne of NOx and £52,298 per tonne of PM but may be revised at any time.

For further information on Air Quality Monitoring, please contact Council's Public Health & Pollution team.

Development on contaminated land

11.10 In line with DM24, when considering planning applications for sites which are potentially contaminated, the Council will use planning conditions to resolve on-site mitigation measures. Where necessary, applicants may be required to enter into planning agreements to ensure required off-site treatment works are fulfilled, restrict the development or future use of the land or to enable on-going monitoring or maintenance. Such obligations will be determined on a site-by-site basis.

Climate Change and Decentralised Energy

12 Climate Change and Decentralised Energy

Core Strategy Policy	Development Management Policy	Other relevant Strategies & Guidance
<p>CS4 Minimising and Adapting to Climate Change</p>	<p>DM10 Resource Efficiency and High Environmental Standards</p> <p>DM11 Decentralised and Renewable Energy</p>	<ul style="list-style-type: none"> • The London Mayor’s Sustainable Design and Construction SPG 2014 • The London Mayor’s Housing SPG 2016 • LBWF Climate Change Strategy 2008 • LBWF draft Housing SPD 2015, as amended

Policy Context

12.1 In line with the London Plan, the Council supports the view that all development within the Borough must minimise carbon dioxide emissions in accordance with the energy hierarchy and meet the set reduction targets. The Council is committed to working with developers and other partners in promoting the delivery of local decentralised energy capacity networks that are flexible and adaptable, particularly in the growth areas of the Borough and expects the full commitment of developers in meeting these requirements.

Financial and Non-Financial Obligations

Carbon Offsetting

12.2 The Council published a Climate Change Strategy in September 2008, which sets out to deliver significant reductions in the Borough’s carbon footprint. In line with the energy targets set by the London Plan, and updated in the revised GLA Housing SPG, from 1st October 2016 all major residential developments (10 or more dwellings) will be required to offset all carbon emissions, i.e. 100% of carbon emissions.

12.3 In line with the targets detailed in the London Plan policy 5.2B and the GLA guidance on preparing energy assessments (March 2016), all major non-residential development (with a floorspace of 1,000sqm or more) will be required to achieve a 35% reduction in carbon dioxide emissions beyond the Building Regulations. Mixed use developments will be expected to meet the necessary offset requirements, the details of which are to be discussed with the Council as part of the pre-application and/or planning application.

12.4 In the first instance, the reduction of carbon dioxide emissions should be addressed as part of each planning application in accordance with the energy hierarchy. If the requirements cannot be met on site, a contribution will be required to be provided in agreement with the Council as a planning obligation, which is to be expended by the Council as part of the carbon offset fund.

The applied formula, which is a nationally recognised price for carbon dioxide, equates to £60 a tonne over 30 years as follows:

CO2 emitted from the development (tonnes) per year minus CO2 target emissions (tonnes) per year x £1800

12.5 This level provides a cost which will drive on-site performance as a first step, but also reflects the average lower abatement costs of off-site non-infrastructure compared with possible on-site measures, and was also recommended in the Climate Change Policy Viability Assessment (2011) produced for the Council by ARUP, forming part of the Local Plan evidence base which is available on Council's website.

12.6 The contribution payable will be linked to the amount of carbon dioxide emitted beyond the target level. Contributions will be pooled and ring-fenced into the carbon fund which will be used to deliver carbon reduction projects across the Borough to achieve the Council's overall carbon reduction targets. For clarification, as these projects are not deemed to be infrastructure they are not captured by the regulatory pooling restrictions.

12.7 Such projects could include:

- Building energy efficiency retrofit measures
- Building integrated renewable energy installations
- Awareness raising or behaviour modification programmes

12.8 Further updated guidance on the Carbon Offset Fund will be provided on the Council's website.

Timing of payments

12.9 Each application will be assessed individually, however the Council's preference is that 50% of the carbon offset contribution is paid prior to the commencement of development and the remaining amount will be calculated following the assessment of the revised energy statement submitted to the Council. All details relating to the submission of information and timing of payments will be contained in the S106 agreement.

Decentralisation and Renewable Energy

12.10 As detailed in the London Plan 5.6, major developments are required to select energy systems in accordance with the following hierarchy:

1. Connection to existing heating or cooling networks
2. Site wide Combined Heat and Power (CHP) network
3. Communal heating and cooling

12.11 Developers are expected to investigate opportunities for establishing or linking into existing or proposed energy networks as part of major development planning applications. The London Heat Map tool, illustrated in Figure 12 of the Core Strategy is used to identify opportunities for decentralised energy networks in the Borough. This interactive tool is regularly updated on the GLA website. The Council will seek to facilitate improvements to existing decentralised energy and CHP systems and their connection to a wider network where appropriate.

12.12 The Council will actively promote zero carbon development by working with partners and developers to promote and facilitate the delivery of local decentralised energy capacity and networks that are flexible and adaptable, especially district heating systems in appropriate areas of the Borough, in particular in the key growth areas.

12.13 More specifically in line with DM11, all development of one or more units, or greater than 100sqm in size located in proximity to an existing or committed Decentralisation Energy Network will be required to assess the opportunity for, and to implement links into, existing or future committed networks, unless it can be demonstrated that an efficient connection is not feasible in accordance with the following thresholds:

- development of one or more units or greater than 100sqm located within 200m of an existing or committed future Decentralised Energy Network,
- major development located within 500m of an existing or committed future Decentralised Energy Network, and
- development of more than 50 units located within 1000m of an existing or committed future Decentralised Energy Network.

12.14 Major developments that have effectively demonstrated that connection to an existing or committed network is not feasible will be required:

- to be connection ready for future networks; and
- to implement a CHP; and/or
- where possible, connect into an existing or implement a new small network linking neighbouring developments or buildings unless it can be demonstrated that an efficient connection is not feasible.

12.15 The Council will agree these ongoing requirements as appropriate through planning conditions and/or obligations.

