



WALTHAM FOREST LOCAL PLAN

DEVELOPMENT MANAGEMENT POLICIES - EXAMINATION

Matters and Issues for Examination in Public:

**Employment Policies
DM21 and DM22**

**Hearing Session – 21 May 2013
Agenda Item 4**

1. Background

- 1.1 Policies DM19-22 set out the Council's employment policies. Specifically, policy DM21 covers land that was last used for employment purposes but subject to no land use designation, and policy DM22 covers job access and training. These policies supplement and add greater detail to the strategic approach set out in Core Strategy Policies CS8 (Making Efficient Use of Employment Land) and CS10 (Creating More Jobs and Reducing Worklessness).
- 1.2 Upon review of the Development Management Policies DPD, the Inspector raised a number of queries regarding the policies DM19-22. The Council responded to these in document KE154 (Council Response to Inspector's Questions). The Council's responses included putting forward some modifications to policies and the Inspector has noted that he is largely happy with these. Where issues have remained outstanding, the Inspector has put forward further wording modifications, for the Council's consideration.

2. Main Issues

- i) The Council's overall view of, and response to, representations and Inspector's questions
- ii) Policy DM21
- iii) Policy DM22

3. The Council's Position

3.1 The Council's overall view of, and response to, representations and Inspector's questions

3.1.1 Representations on employment policies were received from 4 organisations; namely the Greater London Authority, E & R Fuller Ltd, the Metropolitan Police Authority, and the Industrial Property Investment Fund (IPIF). The Council's detailed response to these representations is set out in document SD17 [Summary of Representations and Council's Response – Regulation 22(1)(e)]. In addition, the Inspector raised a number of questions related to how employment land would be managed and the inclusion in the Proposed Submission version of the Development Management Policies DPD of matters that duplicated the Core Strategy. The Council responded to these questions through document KE154 [Council Response to Inspector's Questions]. The Inspector has noted that he is largely happy with the Council's responses, and the Council is of the view that these changes will result in greater clarity to developers and development management officers, whilst also achieving more concise wording that avoids unnecessary duplication of the Core Strategy. It is worth noting that in responding the Inspector's questions, the Council has revoked additional wording originally proposed in response to the Metropolitan Police.

3.1.2 In terms of IPIFs representations on policy DM21, the Council's position is set out in more detail below.

3.2 DM21

- 3.2.1 IPIF raised objections to the proposed wording of policy DM21: Non-designated employment land, in terms of how it relates to planned development in the borough's growth areas, and more specifically an opportunity site in the Blackhorse Lane Area Action Plan.
- 3.2.2 IPIF state that policy DM21 should be amended to make clear that its requirements are not necessary in order to facilitate the redevelopment of their site with residential uses. Their proposed wording is for an additional sentence at the end of policy DM21(a) that reads:

"Exceptions to the above include those instances where the Council has identified a preferred alternative land use for development sites and those sites located in the identified growth areas."

- 3.2.3 As set out in the Council's consultation responses (document SD17), the suggested rephrasing put forward by IPIF is rejected. This is on the basis that policy DM21 should be read alongside the contents of the Area Action Plans, that compensation for the loss of employment land would still be required, and that the Area Action Plan would be advocating the site for mixed use development rather than solely residential use. Furthermore, the Council would like to point out that the wording proposed by IPIF would appear to have the unintended consequence of meaning that any site located in any of the Council's 4 key growth areas would not be required to mitigate for any loss of employment uses.
- 3.2.4 It is acknowledged that in some cases, forthcoming Area Action Plans will identify opportunity sites for redevelopment that would fall under the category of non-designated employment land. In such cases, most of the requirements of policy DM21 will still apply; i.e. mitigation for loss of employment should be provided, proposal should not be for uses better located in a town centre, and designs should be suitable to their surroundings. However, in such cases, it is agreed that since the Council has already established the principle of redevelopment (although not necessarily solely for residential use), the requirement for developers to demonstrate that the existing uses are no longer fit for purposes is unnecessary.
- 3.2.5 For the case in question, the Council is seeking to facilitate redevelopment (for a mixed use scheme) through its planning policies. Previously the site had been designated as SIL and therefore solely industrial uses have been deemed appropriate. However this designation was removed through the Council's Core Strategy and the Mayor's forthcoming Upper Lee Valley Opportunity Area Planning Framework. The rationale behind removing this designation was to facilitate a more efficient use of land at this sustainable location close to a major transport hub, which will include, but not be restricted to, residential development. The Blackhorse Lane Area Action Plan Proposed Submission, then sets out details of what the Council deems appropriate redevelopment of the site to be.

3.2.6 The Council previously rejected IPIF's proposed wording since what was suggested would mean that none of policy DM21 would apply to any sites identified in Area Action Plans. As set out above, the Council is of the view that certain aspects of the policy would still apply, alongside more site specific guidance in the Area Action Plan. However, the Council do acknowledge that where the broad principle of redevelopment for alternative uses in Area Action Plans, it should not be necessary for developers to demonstrate that the existing uses are not fit for purpose. As such, the Council puts forward alternative modifications to the wording to policy D21a, as set out below (which also includes modifications put forward in document KE154, in response to Inspector questions).

"In accordance with Core Strategy Policy CS8 (Making Efficient Use of Employment Land), the Council will support applications for more productive uses in non- designated employment land, (i.e. land currently or last used for such purposes but not identified on the policies map) where:

- i) *Developers can demonstrate that there are clear barriers to the sites future employment use, such as inadequate ceiling heights, floor loading capacities, access and parking provision, and poor building repair;*
- ii) *Developers can demonstrate that there is no reasonable prospect of being re-let or sold for employment purposes having been marketed at a reasonable price and with reasonable terms and conditions;*
- iii) *the Council is satisfied that the proposed use would not be better located in a town or district centre, in accordance with Policy DM27 (New Retail, Office and Leisure Developments);*
- iv) *mitigation for the loss of employment land is provided in accordance with policy DM37 and the Council's Planning Obligations SPD;*
- v) *in all other respects the proposed use is well designed and suitable to its surroundings.*

~~Exceptions to the above include those instances where the Council has identified a preferred alternative land use for development sites and those sites located in the identified growth areas.~~

Where Area Action Plans establish the principle of redevelopment of sites last used for employment purposes, proposals that are in accordance with the Area Action Plan will not be required to meet points (i) and (ii) above."

3.2.7 The wording in italics in paragraph 3.2.6 above sets out modifications to policy DM21 proposed by the Council in response to the Inspectors questions, and representations from IPIF. Beyond these, the Inspector has expressed additional concern that this wording does not allow a developer to provide their own training scheme, and that relying solely on financial contributions would be ultra vires. To overcome this issue, the Inspector suggests the following rephrasing of point (iv) of policy DM21a.

- vi) mitigation for the loss of employment land is provided either by the provision of arrangements to train local residents to obtain the knowledge, skills and confidence necessary to acquire jobs elsewhere, or by the use of local labour agreements for the construction phase of new development and/or the end user jobs of new non-residential development. ~~in accordance with policy DM37 and the Council's Planning Obligations SPD;~~
- 3.2.8 Such a change would impact on the justification to policy, and the Inspector therefore also suggests the following re-wording from what the Council had previously proposed in response to question 150 (see document KE154):
- ~~Where the Council is satisfied that the land is no longer viable for employment use, financial contributions should be sought in accordance with our Planning Obligations Supplementary Planning Document and subsequent reviews. Such contributions will be used to support initiatives including the Council's Worknet programme to help tackle worklessness in the borough. This could include providing training courses, apprenticeships, or work experience, to unemployed residents. Although the Council accepts that the obsolescence of a former employment premises may necessitate the redevelopment for some productive purpose, that only resolves physical issues. It does not resolve the human problems resulting from the loss of the former employment, which also needs to be addressed. To achieve the full benefit of more productive uses of land, local residents need to be trained or retrained for the purposes of the new employment opportunities. If a developer is unable to provide that training as a part of the redevelopment proposal, then a contribution to the Council's Worknet programme, secured through a planning obligation, is available as an alternative.~~
- 3.2.9 The Council welcomes and accepts these suggested modifications from the Inspector. It is recognised that this will help ensure redevelopment of non-designated employment land provides job and training opportunities for local residents, and that developers are not restricted to providing financial contributions to the Council to achieve this policy requirement.
- 3.2.10 In addition, following on from the Council's response to question 150 (see document KE154), the Inspector has suggested the following further alteration to part (c) of the policy:
- c) New live/work premises will be supported where:
- a clear need for them a residential presence on a worksite has been demonstrated;
 - the proposal includes adequate provision of useable workspace;
 - the proposal would not compromise the character and function of the surrounding area.
- 3.2.11 In terms of making the justification text consistent with the policy, the Inspector also suggested that the first sentence of the sixth paragraph of the re-written justification is also rephrased to read as follows:

In areas where a clear need for them a residential presence on a worksite has been identified, live/work units can play a vital role in supporting the local economy; by providing suitable accommodation for start up businesses.

3.2.12 The Council also welcomes and accepts these suggested further modifications; which it is agreed provides greater clarity to the policy meaning as described in the Council's response to question 150 (see document KE154).

3.3 DM22

3.3.1 In terms of policy DM22, the Inspector has outlined concerns with the Council's response to question 154 (see document KE154), in that the proposed modifications:

- introduce further elements of policy into the justification (i.e. reference to specific targets), and;
- remove the opportunity for applications which are not major to comply with policy through any means other than a financial contribution.

3.3.2 To alleviate these concerns, the Inspector has suggested the following alternative wording to policy DM22b:

b) Where appropriate, opportunities to secure the training and recruitment of local residents as part of new developments (including in the construction phase) will be assessed and target of 10-15% of apprenticeships and 30% of jobs resulting from the development will be secured through:

- local labour agreements and job brokerage initiatives;
- wider employment and training initiatives.

3.3.3 Following on from this, the Inspector also suggests some modifications to the justification of this part of the policy, as set out below:

As set out in the Sustainable Community Strategy and the Core Strategy, worklessness is a major issue in Waltham Forest that needs addressing. To do so, new employment and training opportunities for local residents should be sought through the planning application process. Raising awareness of job opportunities and securing funding for employment and training initiatives will help address social exclusion, whilst getting local people directly into work through local labour agreements will have the added benefit of minimising unnecessarily long journeys to work.

Jobs during the construction phase of developments can make a significant contribution towards tackling worklessness in the borough. Planning obligations will therefore be used to secure apprenticeships and trainees are through sources named by the Council, and that all vacancies including those with sub contractors to be notified by agencies named by the Council. Whole Life Consultants Ltd's Construction Skills Forecasting Tool will be used during the planning application process to inform likely jobs in the construction sector arising from developments in order to inform such obligations, and ensure

~~Council targets of 10-15% of apprenticeships and 30% of all vacancies are filled by borough residents. Where development proposals increase the level of employment floorspace on a site, the Council will seek financial contributions towards wider employment and training initiatives that help address worklessness, in accordance with the Planning Obligations SPD.~~

Local labour agreements and wider employment and training initiatives may best be secured by planning obligations. In some cases it may be convenient for a developer to offer a financial payment to secure delivery from the Council rather than provide the training directly. In either case it is important that the obligation is proportionate to the development and consistent between developments. For those reasons an assessment of opportunities will be made (using Whole Life Consultants Ltd's Construction Skills Forecasting Tool or equally reputable substitute) and targets applied.

- 3.3.3 The Council welcomes and accepts these further suggested modifications, which clarify what is required of developers in terms of contributing to the training and recruitment of local residents and the mechanisms that may be used to achieve this.

3.4 Response to the Representations received

With regard to the representations received on employment policies, these are set out in document SD17 – Summary of Representations and the Council's Response.

3.5 Response to the Inspectors Questions

With regard to matters raised by the Inspector, these have been addressed in document KE154: Council Response to the Inspectors Questions. A summary is provided in paragraph 3.1.1 above.

4 Conclusion

In order to satisfy representations from IPIF and the Inspectors latest observations, the Council believes that the further modifications to policies DM21 and DM22 (and their justification text), as set out in paragraphs 3.2.6-3.2.8, 3.2.10-3.2.11, and 3.3.2-3.3.3 above, would satisfy all outstanding issues raised with the employment policies set out in the Development Management Policies DPD.