

Planning Obligations Supplementary Planning Document (SPD)

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1.0 Introduction – What is this SPD?

This supplementary planning document (SPD) provides detailed guidance on the use of Section 106 planning obligations (S106) alongside the community infrastructure levy (CIL). The Planning Obligations SPD sits alongside the portfolio of Local Plan documents to support and add detail to the newly adopted Local Plan (March 2018), and replaces the existing Planning Obligations SPD (2008).

1.1 Aim

The purpose of this document is to:

- Explain the Council's approach to using planning obligations to local residents, developers and the wider community;
- Establish the circumstances where planning obligations (requiring financial and non-financial contributions) will be sought and used;
- Explain how financial and non-financial planning obligations will mitigate the cumulative impacts of a development in the borough; and
- Clarify the approach to S106, CIL and the relationship between them.

1.2 Status

This SPD should be read in conjunction with the CIL Charging Schedule, or subsequent publications of said Schedule. SPDs are used to add value to existing policies. They build upon and provide more detailed advice or guidance on policies that are adopted in Local Plans. This SPD will be a material consideration in the determination of planning applications. It has been prepared to meet the requirements of Part 5 of the Town and Country Planning (Local Planning) Regulations 2012 and associated regulations, national guidance on SPDs and relevant case law at the time of publication

It should be noted that there may need to be other obligations, not covered in this SPD, which may be required, and arise on a case by case basis, to mitigate against specific site development impacts. Please note that these will be discussed in detail at the pre-application stage, where relevant.

2.0 Background

The Redbridge Local Plan (2018) makes provision for at least 17,237 homes in the borough, through the creation of high quality developments in a phased programme to help meet existing and future housing need. The London Plan (2016) sets an annual target of 1,123 new homes a year over the plan period (2015-2030). This growth, along with the opportunities arising from the arrival of Crossrail, will result in increased pressure on local infrastructure, services and facilities, creating demands for new provision. The Council and developers have a responsibility, through the planning process to manage the impact of this growth and ensure that any harm caused by development is mitigated and that the necessary infrastructure is provided for current and future residents.

The Council expects new development to contribute to site-related and wider infrastructure needs, such as those set out in the Council's Infrastructure Delivery Plan (IDP), through a combination of the following mechanisms:

- Planning obligations to secure developer contributions or works in kind e.g. s106 Agreements (site/development related);
- Community Infrastructure Levy (strategic local and borough wide infrastructure);
- Planning conditions (site/development related); and
- S278 agreements.

2.1 Redbridge Local Plan

The adopted Local Plan (2018) together with the London Plan (2016) comprises the development plan for the borough. These documents set out policies guiding development to fulfil the strategic vision and strategy for the borough, as well as the ambitious growth agenda. The Local Plan seeks to direct investment and growth to Ilford, the broader Crossrail Corridor, Gants Hill, South Woodford and Barkingside and to other town centres outside of these locations which will deliver successful thriving places, a range of housing, new schools and health facilities, a dynamic economy and improvements to open spaces ensuring that the positive benefits of regeneration and investment reach all residents of the borough.

Policy LP41 Delivery and Monitoring sets out how the Council will deliver the provision of adequate and appropriate infrastructure for the Local Plan. This policy introduces the Redbridge IDP, which is an iterative document that identifies the levels of infrastructure (including education, health, transport, leisure, community facilities and others) required to meet the needs of the Local Plan. This is supported by relevant planning policies.

Other Policies which this document covers are as follows:

- LP3 – Affordable Housing;
- LP15 – Managed Workspace;
- LP16 – Skills and Training;
- LP17 – Delivering Community Infrastructure;
- LP18 – Health and wellbeing;
- LP19 – Climate Change Mitigation;
- LP20 – Low Carbon and Renewable Energy;
- LP22 – Water and Flooding;

- LP23 – Promoting Sustainable Transport;
- LP23 – Cycle and Car Parking;
- LP24 - Pollution;
- LP25 – Telecommunications;
- LP29 – Amenity and Internal Space Standards;
- LP33 – Heritage;
- LP38 – Protecting Trees and Enhancing the Landscape;
- LP39 – Nature Conservation and Biodiversity; and
- LP41 – Delivery and Monitoring.

Major developments, where referred to in this SPD, are as defined in the local list, adopted 2018, and the Development Management Procedure Order 2015.

The SPD makes several references to ‘significant major development’. In this respect, the Council will have regard to the scale and nature of a major development scheme, its likely impact and the thresholds for applications referred to in the Council’s Development Control Committee for determination or to the Mayor of London under the Mayor of London Order 2008.

3.0 What are Planning Obligations (section 106)?

Planning obligations enter the developer into a legal commitment to undertake specific works, provision of land/facilities, or providing a financial contribution towards the provision of a service or piece of infrastructure. Section 106 planning obligations are used to address negative impacts of a development.

The legislative framework for planning obligations is set out in *Section 106 of the Town & Country Planning Act 1990 (as amended)*. Further legislation is set out in *Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)*. Government policy on planning obligations is set out in *Paragraphs 53-57 of the National Planning Policy Framework (NPPF) (February 2019)*. Almost all development has some impact on the need for infrastructure, services and amenities - or benefits from it - so it is only fair that such development pays a share of the cost.

The CIL Regulation amendments, Regulation 122, also introduced into law three tests for planning obligations. These tests consist of the following;

Planning Obligations should be:	1. Necessary to make the development acceptable in planning terms
	2. Directly related to the development
	3. Fairly and reasonably related in scale and kind to the development

S106 agreements are designed to address additional burden that new developments may place on local infrastructure. The agreement will vary depending on the nature of a development. The wording of the regulations indicates the particular obligation will either be for the funding or provision of a specific infrastructure project or to provide the funding or provision of a type of infrastructure. This means that if the Council has 'open space' on its Regulation 123 list whilst it can still require, where relevant, a planning obligation for 'open space' this will be subject to pooling restrictions. When a charging authority introduces the levy, section 106 requirements should be scaled back to those matters that are directly related to the specific site, and are not set out in the CIL Regulation 123 list.

3.1 Types of Planning Obligations - Standard Obligations

Some obligations are considered 'standard obligations'. These obligations are used as a starting point for drawing up a S106 agreement for those developments that meet the relevant thresholds as shown below. Obligations are then added to or subtracted from the list, depending on the nature and location of the scheme in accordance with statutory requirements.

The following 'standard obligations' apply to major developments (commercial/mixed use schemes of 1,000 sqm floorspace or more or sites capable of providing 10 or more residential units). Guidance on how Redbridge will negotiate the most common s106 planning obligations is set out in the SPD. This includes, but is not exclusive to, the following areas:

- Affordable housing provision
- Employment, skills and enterprise
- Affordable workspace
- Open Space
- Public realm
- Transport
- Sustainability

This SPD includes a range of sizes for development, above which the Council will seek an obligation. The Council may also seek to secure contributions, where a development proposal is below minimum size but creates an exceptionally large impact. The SPD does not cover all the planning obligations that may be sought by the Council. Larger development schemes may have wide ranging impacts, which will require more significant measures to be put in place to address them in addition to the standard charges. These will be set out by the Council when and where necessary.

The contribution amount due for each obligation is calculated using the formulas and methodologies shown in this SPD, or will be communicated at officer level at pre-application meetings. These formulas are based on:

- An assessment of the scale and nature of the impacts of a new development; and
- Needs and planning requirements applicable to development throughout the borough or in a particular part of the borough.

3.2 What is the Community Infrastructure Levy (CIL)?

As part of the changes introduced under the *Planning Act 2008*, a mechanism called the Community Infrastructure Levy was introduced to provide greater consistency in the charging of planning obligations. The main concept behind CIL is to provide a standard charge (or set of charges) that can be levied to most new developments. The levy is charged on the basis of '£ per square metre' for new floorspace. The idea behind the CIL is that it is fairer, faster and more certain than the system of S106 planning obligations, which are negotiated on a case-by-case basis. It can be spent on (or contribute towards) new or improved infrastructure deemed necessary to deliver the Local Plan. CIL is intended to provide developers more certainty 'up front' about how much money they will be expected to contribute towards local infrastructure needs.

There are two types of CIL charge payable: borough CIL (Redbridge CIL) and Mayoral CIL (MCIL2).

3.3 Redbridge CIL

The Council's CIL became effective on 2012 and charges a flat rate of £70/sqm. Further information on the Council's CIL can be found on the Council's website.^{2 *}

CIL will generate funding to deliver infrastructure projects that support residential and economic growth, provide certainty for future development, and benefit local communities. The Council's Regulation 123 List identifies the infrastructure types or projects that will be, or may be, wholly or partly funded by CIL. The list is based upon the infrastructure projects or types set out in the borough's Infrastructure Delivery Plan which are required to support growth over the Local Plan period (up to -2030). It is currently being updated to account for any changes in circumstances and/or infrastructure needs identified to support growth. .

The purpose of this is to prevent '*double dipping*', whereby developers are required to pay twice for the same item of infrastructure both through CIL and S106 obligations. In practical terms, this means that if an infrastructure project or type of infrastructure is included in the Regulation 123 List, the local planning authority cannot secure S106 obligations in respect of that project or type. For example, affordable housing falls outside of CIL and will continue to be required through a section 106 planning obligation.

3.4 Mayoral CIL (MCIL2)

A separate CIL is also charged by 2 Part 11 Section 122 (2) of The Community Infrastructure Levy Regulations 2010 by the Mayor of London and was chargeable from April 1st ,2012. This was further updated in April 2019. Redbridge is now currently listed as a "*Zone 2 borough*", assigning a £60 charge per square metre of development, an increase from the £35 charge introduced in 2012.

3.5 What is the Interaction between CIL and planning obligations?

When undertaking a S106 agreement, authorities should avoid '*double dipping*' and produce clear guidance of infrastructure needs and projects through planning obligations and the CIL Regulation 123 list. The Council's CIL Regulation 123 list details the infrastructure the borough intends to fund and will complement mainstream public funding for the provision of infrastructure required to support development (e.g. new health facilities to cater for the increase in resident numbers across the borough).

CIL is intended to provide infrastructure to support a development, rather than make an application acceptable in planning terms. There may be some site-specific mitigation requirements without which a site will not be granted planning permission, however a S106 planning obligation can be imposed to ensure that the consequences of a development can be mitigated. CIL is used to provide infrastructure, while S106 can provide infrastructure and non-infrastructure items. As mentioned above, CIL is not there to make applications acceptable in planning terms, this is where mitigation and the role of section 106 agreements come into play. Some local needs are dealt with through the Levy (CIL), while others may not be, especially if they have a specific localised impact. Therefore, it is considered that, there is a legitimate role for development to play to promote and provide specific mitigation measures, if there is clear justification.

^{2 *} <https://www.redbridge.gov.uk/planning-and-building/planning-policy/community-infrastructure-levy/>

The CIL 123 list limits the use of obligations. The CIL pays for a wider range of infrastructure projects, which are outlined on an agreed list. These scale back the need for S106 agreements to matters which specifically deal with the site. However, S106 can relate to items on the CIL 123 list, but only when the list uses 'generic' terms, such as 'education' or 'open space'. Therefore, CIL is collected, generally, and S106 is also agreed for a specific site measure, which is justified.

3.6 What are Planning Conditions?

Planning conditions are requirements made by the local planning authority, in the granting of planning permission to ensure that certain actions or elements related to the development proposal are carried out.

Planning conditions are likely to cover, amongst other things, the following items:

- The submission of reserve matters;
- Controls over the materials to be used;
- Controls over the occupation of new buildings or further stages of development until certain other actions are completed;
- The requirement to undertake further investigations as work proceeds (e.g. archaeological recording);
- Construction in accordance with the submitted method statement; and
- The requirement to implement works in accordance with the submitted plans such as landscaping, tree planting, drainage works etc.

Where there is a choice between imposing planning conditions and entering into a planning obligation to manage the impacts of a new development, the use of planning conditions is always preferable.

3.7 S278 Agreements

These are agreements, made under the Highways Act 1980 (as amended), to authorise works on the public adopted highway network that have been identified and determined as necessary for planning permission to be granted. Requirements for s278 agreements will be negotiated separately, although often an obligation will be imposed as part of the s106 agreement to enter into an s278 agreement.

3.8 Legislative Changes

In November 2015, the Government commissioned a review of the CIL system. The results of the CIL review, published in February 2017 alongside the Housing White Paper, concluded the current CIL system was not fulfilling the original intention of providing a faster, fairer, simpler, more certain and more transparent way of ensuring that all development contributes something towards cumulative infrastructure need.

The responses and outcomes to the MHCLG January consultation are still outstanding. This SPD will seek to incorporate any future legislative changes as and when they come into effect. These will be communicated at appropriate times to applicants.

4.0 What is the procedure for securing CIL and S106 Planning Obligations?

4.1 CIL

The amount of CIL to be paid depends on the size and type of the development. Not all development is CIL liable, however, please speak to your Planning Case Officer to clarify this. Further information is available at:

- NPPG: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf
- Planning Portal: <http://www.planningportal.gov.uk/>
- Redbridge Local Plan: https://www.redbridge.gov.uk/media/4934/10-redbridgelocal-plan_070318_web-1.pdf

4.2 S106

The SPD will be applied on a borough-wide basis. It provides guidance that expands on the policies and guidance for seeking planning obligations as set out in the following:

- The London Plan (2016)
- The Redbridge Local Plan (March 2018)

Applicants should use this SPD to consider the impacts of the proposed scheme and any planning obligations likely to be required to address the impacts of development. Applicants should contact the Council early to identify any issues and their possible solution before a planning application is made.

We will require applicants to prepare a planning obligations statement for major development proposals that addresses the issues outlined in this SPD, where they are relevant to the proposal. The planning obligations statement should be submitted as part of the planning application, or at pre-application stage. Should the applicant consider that a planning obligation cannot be supported by the proposed development due to financial reasons, the applicant should submit a full 'open book' financial viability assessment to the Council.

All information given to us will be treated on a confidential basis. The applicant will be required to meet the cost of reviewing the assessment which will include the appointment of qualified independent assessors. Clawback legal clauses may be used to secure the full contribution should land values increase. Following the decision to grant planning permission, the planning obligation(s) will be set out in the form of a binding legal agreement. The agreement will set out the detail of the planning obligations, including whether there are specific points in the development phasing for payment of commitments to be made by the developer, as well as obligations upon Redbridge Council. On the completion and signing of a section 106 planning obligation, planning permission is formally issued.

Generally, we will always seek to receive payment of contributions upon the carrying out of the development to ensure that projects which address the impact of a development can be delivered

by the time the development is occupied. If funds are payable on specified triggers, these funds will only be received if the planning permission is implemented. When a point has been reached, such as the start of the development construction, the developer must contact us to state that this event has occurred. Please note that all costs will be subject to indexation, as per the Building Cost Information Service of The Royal Institution of Chartered Surveyors to adjust for inflation.

5.0 The Council's Role and Approach to Planning Applications and Obligations

Please note that the Council expects applicants to undertake the correct process when negotiating, preparing and completing planning obligations. This is to ensure applications and obligations are dealt with in a timely and efficient manner.

- It is essential that the applicant and Council engage in preapplication discussions as early as possible;
- Detailed heads of terms should be agreed by the applicant and Council;
- Decision time and issues should be dealt with in a timely manner; and
- Ensure all documents are submitted on time and in line validation requirements.

5.1 Pre-Application Advice

Applicants, agents and developers are encouraged to seek pre-application advice prior to the formal submission of major development proposals within the borough. The pre-application process offers the opportunity for the applicant and Council officers to discuss, without prejudice, the acceptability of the proposed scheme. This will enable informed and detailed discussions on the types of obligations to be entered, and further discussions can be undertaken relating to 'in kind' either on or off site, or if a financial contribution is needed. If discussions for draft heads of terms fail to result in an agreement, the applicant will be invited to provide justification and alternatives for consideration, and assessment by the Council. Further information on the Council's pre-application service.³

Please also note that where planning applications meets the criteria for referral (Mayor of London or TFL), the applicant should engage with these bodies.

5.2 Application Stage

When draft heads of terms have been identified as part of the application, it will be essential that this be submitted as part of the application, and as part of the validation process. Please be aware that failure to submit this will result in a delay in the planning application, as the application will not be validated.

³ <https://www.redbridge.gov.uk/planning-and-building/planning/pre-application-advice/>

6.0 Affordable Housing

Building new homes that are genuinely affordable for residents is a key priority for the Council and we are committed to maximising the delivery of affordable homes. Every opportunity will be maximised to develop affordable housing in the borough by adopting a proactive and flexible approach. This reflects the approach set out in the Local Plan, Housing Strategy and the London Plan.

Threshold	Policy and Guidance	Justification	Obligation
<p>Major Applications as defined in the Development Management Procedure Order 2015</p>	<p>Redbridge Local Plan (2018)</p> <p>LP3 Affordable Housing</p> <p>LP4 Specialist Accommodation</p> <p>LP5 Dwelling Mix</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 3.12 – Negotiating affordable housing on individual private residential and mixed use schemes</p> <p>Policy 3.8 – Housing Choice</p> <p>Policy 3.9 – Mixed and balanced communities</p> <p>Policy 8.2 – Planning Obligations</p>	<p>The policy identifies that the Council will seek the maximum reasonable amount of affordable housing on individual private residential sites and mixed-use schemes of ten or more units (gross), having regard to seeking to deliver on average, a minimum of 393 additional affordable homes per year. The need to encourage and enable rather than restrain residential development and the individual circumstances of the site.</p> <p>Proposals should also be in line with the relevant 60/40 split for affordable housing, as per LP3.</p> <p>Further to this, affordable housing is required to meet the definitions in the Local Plan, London Plan and NPPF 2019.⁴⁵</p>	<p>Policy LP 3 and the achievement of the borough-wide target of minimum 35% affordable housing provision. Where these targets cannot be met on site, we will require a financial viability appraisal of the development scheme. In exceptional circumstances, offsite provision, or an in-lieu payment may be made to provide affordable housing off-site, however on-site provision is the Council's preference.</p> <p>Sites which are publicly owned will be expected to provide 50% affordable housing provision.</p>

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

⁵ <https://www.london.gov.uk/sites/default/files/homesforlondoners-affordablehomesprogrammefundingguidance.pdf>

Applicants are advised in the Council's Local Planning Application Requirement 2018 that a full financial viability appraisal, and an executive summary must be provided for a planning application to be validated where there are 10 units or more as identified in Mayor's Affordable Housing Viability SPG.⁶

Proposals should also look closely at Policy LP5 – Dwelling Mix, for guidance on the types and tenure of accommodation. Further guidance on specific affordable housing products, affordability levels and particular housing needs and requirements for the borough will be provided during pre-application discussions in partnership with the Council's Housing Service.

A habitable rooms approach is also acceptable, however proposals which take this approach should be policy compliant, and agreed by Housing Officers. When undertaking this approach, it is essential that the percentage of affordable housing in a scheme should be measured by habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family sized homes, taking account of local mix policies and having regard to site specific circumstances. Habitable rooms in affordable and market elements of the scheme should be of comparable size when averaged across the whole development. If this is not the case, then it may be more appropriate to measure the provision of affordable housing using habitable floorspace. Applicants should present affordable housing figures as a percentage of total residential provision by habitable rooms, by units, and by floorspace to enable comparison, as per the Mayor's Affordable Housing SPG. Reviews will also be considered when and where appropriate.

Further detail can be discussed at pre-application meetings with the Council and relevant officers in Housing.

⁶ https://www.london.gov.uk/sites/default/files/ah_viability_spg_201708152.pdf

7.0 Employment Skills and Training

Maximising employment opportunities and employability skills amongst Redbridge’s population is a key priority for the Council, highlighted in the Local Plan and planning obligations. This includes provision for employment for residents, provision of apprenticeships and promoting key training and skills opportunities, expanding furthering education in Redbridge, and provision of appropriate and affordable places to set up colleges and training providers.

The Council will look to support new and existing businesses to grow and develop, and aid the capture of inward investment for a range of appropriate workspaces (for micro and small businesses to access flexible and affordable workspace). Legal agreements may be used to manage the rents of these units to appropriate levels and to control their size, location and the nature of the occupant. This is supported by the London Plan (Policy 2.3).

Threshold	Policy and Guidance	Justification	Calculations
Major Applications as defined in the Development Management Procedure Order 2015	<p>Redbridge Local Plan (2018)</p> <p>LP16 Skills and Training</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 2.3 – Growth Areas and Co-Ordination Corridors</p> <p>Policy 4.1 – Developing London’s Economy</p> <p>Policy 4.2 – Improving Opportunities to All</p> <p>Policy 8.2 – Planning Obligations</p>	<p>The Council is committed to ensuring that residents seeking work have the right skills to gain employment, and that employment opportunities exists.</p> <p>The Council aims to maximise opportunities for residents to enter into apprenticeships and training programmes, and provide them with new skills to help them in the job market.</p>	<p>Obligation A: Local People Employment Requirements (Calculations Appendix B)</p> <p>Obligation B: Apprenticeships</p> <p>Obligation C: Training and Skills and Financial Contributions</p> <p>Further details of formulas and commuted sums are available in <u>Appendix B</u>.</p>

Please note: Where the target number of sustained jobs or apprenticeships cannot be provided a contribution will be sought to provide equivalent opportunities to residents as follows:

1. Shortfall against target number of jobs lasting minimum 26 weeks for an unemployed Redbridge resident x £4,300 (the average cost of supporting an unemployed Redbridge resident into sustained employment)
2. Shortfall against target number of apprenticeship starts x £1,500 (approx. cost of a typical construction sector Level 2 qualification)

The Council is endeavoring to achieve London Living Wage standards, we encourage developers to look into, and undertake ‘best endeavors’ to achieve this. Further to this, the Council will seek that 20% of all materials will be locally sourced, this is to be discussed at pre-application stage for clarity.

8.0 Affordable and Managed Workspace

The Council is committed to supporting local businesses to start, stay and grow in the borough. We welcome the opportunity to work alongside developers to provide affordable workspace to businesses to help us achieve this aim. In order to maintain and build community networks and promote cohesion it is important that the delivery of affordable workspace is encouraged. All development for economic uses will be expected to contribute to the provision of affordable, flexible and/or managed workspace as detailed in LP 15 Managed Workspace. The Council values the expertise of workspace providers and recognises the crucial role they play in helping to support entrepreneurs and businesses, particularly through the start-up and growth period of their lifecycle, and the socio-economic benefits they can help deliver in an area. Redbridge will encourage early engagement between developer and workspace provider to ensure that spaces can be designed with the workspace operator's requirements in mind and can be operational before first (residential) occupation.

Threshold	Policy and Guidance	Justification	Obligations
<p>All development providing economic floorspace (commercial and mixed-use developments)</p> <p>All development which replaces existing economic floorspace</p>	<p>Redbridge Local Plan (2018)</p> <p>LP15 Managed Workspace</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 4.2 - Offices</p> <p>Policy 8.2 – Planning Obligations</p>	<p>Redbridge will look to support and promote economic growth and diversity, by supporting new and existing businesses. The Council will do so by promoting and providing affordable, flexible and managed workspace, while also seeking new types of business floorspace, such as incubator space in new commercial or mixed-use developments, or Growth Areas, mixed use schemes in Local Business Areas, and in non-designated employment land, as per LP15 of the Local Plan.</p>	<p>Affordable and Flexible Workspace plan, to be agreed by Work Redbridge, should be submitted outlining the following:</p> <p>A business and management plan for the operation of the space for the first 10 years demonstrating the ability and commitment to affordability, Terms of use, Leases, Landlord fit out, Subletting, Service charge, Approach to Security of tenure – Landlord and Tenant Act 1954.</p>

The Council recognises that there is a cost associated with the provision of affordable and managed workspace. This will naturally impact on the viability of scheme. It may be necessary to cross subsidise affordable workspace with other uses, such as residential units, or other use classes. This will have to be set out clearly in the viability study. Developers should speak to the Council during the pre-application stage of the proposal and early engagement with Work Redbridge and a workspace provider is encouraged. These obligations will be set out in the Draft Heads of Terms for the Section 106 agreement.

This will be secured via a s106 planning obligation. The fit out of the workspace should be to ready to occupy, to a specification agreed with the Managed Workspace Provider, and signed off by the Planning Authority.

In some exceptional circumstances, where a less than policy compliant quantum or no amount of work space is provided onsite, the Council will require a financial contribution in lieu of this provision or policy shortfall. This can be discussed at pre-application meetings.

8.1 Creative and Cultural Workspace

Businesses in the cultural sector in particular can struggle to find affordable premises and there have been significant losses of cultural workspaces across London in recent years. Therefore, the Council will seek to ensure that local cultural and creative businesses are supported through the provision of floorspace. Employment space that meets the need of existing and future growing industries, such as creative, digital, food, and design will be encouraged, where feasible and practical.

Some workspace providers, particularly those operating in the cultural industries or other specialist sectors, will prefer to undertake fit-out themselves and may have access to funding to achieve this. This can reduce development costs and ensure that the workspace is fit-for-purpose. Applicants should identify a named workspace provider with whom they will work in partnership to deliver this type of workspace. Workspace providers should be given the opportunity to take a long lease on new developments, in order to encourage investment. The borough's industrial areas also provide premises for cultural workplaces, including workshops, studio and storage space for creative manufacturing and production.

- **Providing less than 1000sqm** - expected to provide a range of unit sizes, unless a specific end user has been identified at the time of submitting the application or unless the proposed development is for a co-working workspace
- **Providing more than 1000sqm** – contribute directly to provision of affordable, flexible and managed workspace, by providing managed work spaces which includes features that minimise overheads, or by providing affordable rent in perpetuity.

9.0 Sustainability

The Council will seek to ensure there is a promotion of renewable, sustainable forms of energy and enhancements to wildlife within the borough, in line with the national planning policy aims of affording equal importance to protecting and enhancing the environment where possible. This is essential to ensure Redbridge and its wider environs, as well as London as a whole, are developed in a manner which is environmentally sustainable.

The Redbridge Local Plan, in conformity with the London Plan and the ambitious targets set by national Government, aim to mitigate against climate change and promote a more environmentally friendly place for us to live, work and visit. The government has set out an ambitious plan for all new homes to be zero carbon from 2016 and new development should come forward to continue this goal. The London Plan Policy 5.2 and the Local Plan Policies (LP 19 – 21) seek to ensure that new development proposals make the fullest contribution to minimising emissions in accordance with targets for minimum standards which are designed to lead to zero carbon residential buildings.

As such, all development should be supported by a Sustainability Assessment and built to the highest standards of sustainable design, construction and operation. Normally, requirements for sustainable design will be dealt with using conditions, but in some circumstances, a s106 agreement may be required to secure the highest environmental standards of development. Where these measures cannot be achieved through design or various systems, a section 106 planning obligation will be used, as and when appropriate, to secure the proper installation, maintenance and responsibility for sustainable measures, as well as renewable and low carbon energy solutions. These include, but are not extensive to, the following:

- Carbon Offsetting;
- Decentralised Energy;
- Biodiversity and Habitats;
- Flood Risk; and
- Air Quality.

10.0 Carbon Offsetting

The London Plan (Policy 5.2) and Local Plan (LP 20) both seek to ensure that new development proposals make the fullest contribution to minimising standards which are designed to lead to zero carbon residential buildings. The Mayor’s Housing SPG (2013) confirms the London Plan policy on ‘zero carbon’ homes. Zero carbon homes are defined as ‘homes that form part of major development applications where the residential elements of the application achieve at least a 35 per cent reduction in regulated carbon emissions (beyond building regulations part L 2013) on site’. The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced for carbon offsetting.

Threshold	Policy and Guidance	Justification	Obligations
Major Applications as defined in the Development Management Procedure Order 2015	<p>Redbridge Local Plan (2018)</p> <p>LP20 Low Carbon and Renewable Energy</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 5.2 – Minimizing Carbon Dioxide Emissions</p> <p>Policy 8.2 – Planning Obligations</p>	<p>The Council will look to promote environmentally sustainable new development and endeavour through this document and the Local Plan that it comes forward in an environmentally sustainable manner. This is critical to the long-term growth of the borough, wider London, U.K. and global economy.</p>	<p>Local Plan Policy LP20 states the Council will promote zero-carbon development and should follow the principles of the Mayor’s energy hierarchy and Mayors Housing SPG. This is a price per tonne of carbon dioxide.</p> <p>This charge will be in line with the current charging rate set by the London Plan.⁷</p>

Contributions to the Council’s carbon offset fund will be spent on measures that will reduce carbon emissions in the borough such as, but not exclusive to retro fitting of Council buildings, addition of appropriate and wildlife friendly new trees and vegetation as per LP38, the funding of renewable energy generation on existing public buildings or enhancing the Council’s vehicle fleet to improve Carbon emission standards. These contributions can be reduced where a developer can implement mitigation measure off site, where the shortfall of the proposed development can be saved.

Developers can also mitigate against Carbon Dioxide by directly funding or installing community energy projects or retrofitting initiatives. These can include, but are not limited to, the following: living walls and living roof opportunities;

- tree planting schemes;
- renewable energy projects;
- retrofitting projects for both dwellings and commercial development;
- education and awareness raising projects;
- kick starting innovative energy and carbon reduction projects; and
- Energy Master Planning and the management of these projects.

⁷ <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>

11.0 Decentralised Energy Networks

The London Plan (Policy 5.2) sets the target of 25% of the heat and power used in London to be generated through localised decentralised energy systems by 2025. To achieve this target, the Mayor prioritises the development of decentralised heating and cooling networks at the development and area wide levels, including larger scale heat transmission networks. It also states that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites. Major development proposals should select energy systems in accordance with the following hierarchy:

- 1 Connection to existing heating or cooling networks;
- 2 Site wide CHP network;
- 3 Communal heating and cooling.

Threshold	Policy and Guidance	Justification	Obligations
<p>Major Applications as defined in the Development Management Procedure Order 2015</p> <p>Mitigation may be sought where schemes do not meet the overall carbon reduction as set out in the Local Plan and London Plan.</p>	<p>Redbridge Local Plan (2018)</p> <p>LP19 Climate Change Mitigation</p> <p>LP20 Low Carbon and Renewable Energy</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 5.2 – Minimizing Carbon Dioxide Emissions</p> <p>Policy 8.2 – Planning Obligations</p> <p>Sustainable Design and construction – Mayor of London 2014</p>	<p>The Council will look to promote environmentally sustainable new development. This is expected to be done using the energy hierarchy in the London Plan Policy 5.2. This requires developments to ‘Be Lean’, ‘Be Clean’, and ‘Be Green’.</p>	<p>A proposal will be expected to support new and protect existing district heating and decentralised energy networks, as per LP20.</p> <p>The Council will expect proposals to include onsite mitigation, where this cannot be secured a financial mitigation measure may be necessary.</p> <p>A contribution may also be necessary to create a Decentralised Energy Network.</p>

Where developers can demonstrate it is not technically feasible or financially viable, this should be done through an energy assessment and a feasibility assessment. Developments near to a planned or potential future network should make provision for a connection to the network should one be established. Developers should refer to LP 20 and the London Heat Map, to determine whether connection to a decentralised energy network, a combined heat and power plant or a contribution towards a decentralised energy network will be expected, or mitigation measures, as mentioned.

12.0 Biodiversity and Habitats

The Council recognises the uniqueness of the borough's biodiversity and natural environment, as set out in the Local Plan. This is an asset which is extremely important to the residents of Redbridge.

Threshold	Policy and Guidance	Justification	Obligations
<p>Major Applications as defined in the Development Management Procedure Order 2015 (When applicable), or where applications require such an intervention</p>	<p>Redbridge Local Plan (2018)</p> <p>LP38 Protecting Trees and Enhancing the Landscape</p> <p>LP39 Nature Conservation and Biodiversity</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 5.10 – Urban Greening</p> <p>5.11 – Green Roofs and Development Site Environs</p> <p>Policy 7.19 – Biodiversity and access to nature</p> <p>Policy 8.2 – Planning Obligations</p>	<p>As the pressure for development mounts, as well as a growing population, the quality of the physical environment is being placed under increasing pressure in the borough. The Council recognises the increasing importance of responding to, and mitigating the impacts of climate change, as well as increasing, maintaining and encouraging biodiversity within the borough.</p>	<p>A legal agreement may be used to: require developers to carry out works to secure or reinstate existing habitat features, enhance existing features, create new features or to undertake habitat creation schemes, restrict types and hours of activities, and development rights. It may also be used to control access and secure long-term maintenance.</p> <p>In very exceptional cases where a developer cannot protect an ecological habitat⁸ on or adjacent to the site and permission to develop is granted, it will be required to provide compensatory measures of equal or greater value.</p> <p>The works should be guided by a report from a qualified member of CIEEM and agreed by the Council.</p>

⁸ The priority habitats included in the London Plan are derived from the London BAP (2000) which were themselves translated from the UK BAP (1994) but in some cases, are slightly modified.

Where it is considered unfeasible for a development to provide adequate on-site biodiversity enhancements, or where projects in nearby open spaces, amenity walks, or enhancements to nearby rivers or water bodies, offer better opportunities to enhance biodiversity and/or access to nature, the Council will seek an equivalent financial contribution to off-site projects which will be secured for enhancements which help to deliver the objectives of LP39.

A commuted sum may be requested where additional monitoring or survey work is considered necessary to confirm that relevant environmental measures have been implemented successfully as part of a scheme. Some developments may result in increased activity and affect the value of areas of nature conservation adjacent to or within the site

The Council will also seek to ensure new ways of creating habitats in increasingly urbanised and dense areas, such as pocket parks, tree planting, and urban greening.⁹ These can include green roofs and walls, as well as any other green initiative, which will have a positive impact on biodiversity, firstly within the boundary of the development, and secondly in the borough. Planning Obligations will be secured to ensure these are appropriately installed, managed and maintained, by the developer and subsequent occupiers.

12.1 Epping Forest Special Area of Conservation

Epping Forest Special Area of Conservation (SAC) is a site of European significance and the Council therefore has a duty to ensure that development has no adverse effect on the integrity of the SAC. Policy protection is set out in LP39 which commits the Council to ensuring any mitigation and/or compensation measures proposed address the potential impact on the SAC. Subsequent to the adoption of the Local Plan approach outlined in policy LP39, further guidance on how to manage any impact has now been produced by Natural England.

It is anticipated that new residential development within the zones of influence constitutes a likely significant effect (LSE) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. As such, any new residential development within the zones of influence of the Epping Forest SAC will need to secure avoidance and mitigation measures in relation to recreational impact upon the SAC.

Strategic Access Management Measures (SAMM)

1. Residential developments which provide one or more units which fall within the 0-6.2 km zone of the SAC will be required to provide financial contributions for offsite Strategic Access Management Measures (SAMM) measures.

2. From 1st April 2022, the SAMMs tariff is £255.84 per dwelling (subject to inflation and annual review). This will be subject to an administration fee of £90 or 5%, whichever is higher. For major development, this tariff will be secured within the Section 106 agreement.

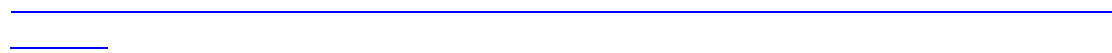
As a competent authority under the Habitats Regulations, the Council in partnership with the London Boroughs of Waltham Forest, Newham, Enfield and Haringey and Epping Forest District Council, in coordination with the City of London Corporation and Natural England, have produced a Mitigation Strategy which will comprise a package of strategic mitigation measures to address increased recreational pressure impacts and air quality impacts upon the SAC.

⁹ The Mayor will promote and support urban greening, such as new planting in the public realm (including streets, squares and plazas) and multifunctional green infrastructure, to contribute to the adaptation to, and reduction of, the effects of climate change.

Suitable Alternative Natural Greenspace (SANG)

1. Residential developments of over 100 units which fall within the 0-6.2km zone of the SAC will need to provide a package of Suitable Alternative Natural Greenspaces (SANGs) measures.

The requirement will vary depending on a number of factors including, size, scale, proximity to the SAC, ease of access to the SAC, availability of other green spaces etc. The SANG measures could include well designed open space or green infrastructure within the development, improvements to a number of green spaces already in the vicinity of the SAC, improvements to footpaths and contributions to other green projects being delivered by other parties.



13.0 Flood Risk

As stated in Local Plan policies LP19 and 21 the Council may seek contributions for flooding or the potential of flood risk. The built environment plays a significant role in the way water is consumed, distributed and disposed of. The way water is used in a building and the pollutants it picks up running across a site affect the quality of the water that reaches the combined storm water and sewer system. In addition, the location of a development, and any flood mitigation measures used, can have an impact on local and downstream surface water flooding. The probability of such events recurring is likely to increase as a result of climate change, making it important to ensure new development minimises risk of flooding, both to occupiers of new buildings, but also to communities already at risk of flooding.

Threshold	Policy and Guidance	Justification	Obligations
Planning Obligations relating to Flood Risk will be sought for any development where applicable as per the criteria in Policy LP 21	Redbridge Local Plan (2018) LP21 Flood Risk LP19 Climate Change Mitigation LP41 Delivery and Monitoring London Plan (2016) Policy 5.12 – Flood Risk Management Policy 5.13 – Sustainable Drainage Policy 8.2 – Planning Obligations	As noted in policy LP19 adapting to climate change, flooding and drought are key risks which require mitigation and adaptation measures in the borough. Changes to our climate can also threaten the quantity and quality of our water supply. Such risks impact upon the health and wellbeing of the borough’s communities and businesses	It must be demonstrated that any new development in flood risk areas will reduce the risk of fluvial, tidal and surface water flooding and manage residual risks through appropriate flood risk measures. Measures to mitigate flooding from ground water and sewers should also be included, be they planting or otherwise. Provision of flood risk mitigation measures such as Sustainable Drainage Systems (SuDS) are expected to be provided on-site and secured through conditions or a S106 agreement.

A planning obligation in the form of a commuted sum will be secured for off-site flood risk mitigation work where a flood alleviation project directly mitigates flood risk on-site (subject to CIL regulations). The commuted sum would exclude fees set by the Council towards administering an application and inspection which will be required separately, if applicable.

Further detail can be discussed at pre-application stage, if required.

14.0 Air Quality

Improving local air quality, mitigating the impact of development on air quality and reducing exposure to poor air quality is vital in safeguarding public health and the environment. The focus of policy LP24 is to mitigate the impact of development on air quality and other pollutants, and to ensure exposure to poor air quality is reduced in the borough.

The whole of Redbridge is an Air Quality Management Area (AQMA) and the Council is currently reviewing and updating the Redbridge Air Quality Action Plan (2007) that sets out how it intends to improve air quality and work towards complying with the Government's air quality objectives. Proposals for major development and development likely to have a negative impact on air quality must demonstrate that it is compliant with requirements set out in the Air Quality Action Plan and does not impede or encumber its aims and objectives, this is in line with the London Plan and the Council's Corporate Priorities.

Threshold	Policy and Guidance	Justification	Obligations
<p>Major Applications as defined in the Development Management Procedure Order 2015</p>	<p>Redbridge Local Plan (2018)</p> <p>LP24 Pollution</p> <p>LP38 Protecting Trees and Enhancing the Landscape</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 5.1 – Climate Change Mitigation</p> <p>Policy 5.2 – Minimizing Carbon Dioxide Emissions</p> <p>Policy 7.4 – Improving Air Quality</p> <p>Policy 8.2 – Planning</p> <p>Obligations</p>	<p>Pollution of the air, water and land as well as light and noise pollution can affect human health and safety and diminish the quality of the wider natural environment.</p> <p>The Council seeks to ensure that the health of the borough's residents, businesses and visitors is not jeopardized through exposure to pollutants or other hazardous substances or their quality of life is not degraded through exposure to excessive noise or light nuisance.</p>	<p>A financial obligation will be required to offset the additional emissions by making a financial contribution to the borough's Air Quality Fund.</p> <p>As requested in Local Plan Policy LP 24 developers shall submit an Air Quality Neutral assessment which shall:</p> <p>Determine the relevant Building Emission Benchmarks (BEBs) for the development, based on its land use-class and location (Sustainable Design and Construction SPG and the GLA's Air Quality Neutral Planning Support Update). The sites emissions are then calculated as part of the AQA and compared to the benchmarks, any exceedances will then be calculated and costs shall be set out for the Council to assess.</p>

The Council's Air Quality Fund (AQF) will aim to fully mitigate the air quality impacts of new developments:

- The purchase, service and maintenance of specialist monitoring equipment which would be used to ensure the construction and operational phases of the development do not negatively impact on the local area;
- The implement measures, decided by the Council, to improve air quality on-site. These measures would be in the immediate vicinity of the specific development, such as those set out in LP 24 and LP 38.

Further details can be discussed at pre-application stage, and comments can be provided from Environmental Health Officers.

15.0 Transport: Site Specific

The Council is committed to providing a safe, efficient, sustainable and integrated transport network within the borough, as well as contributing positively to the strategic aims of transport infrastructure in London. This is done through the Local Implementation Plan (LIP), and the Mayor's Transport Strategy. These identify how the Council will work with Transport for London (TfL) towards achieving the Mayor's Transport Strategy goals of Healthy Streets, good public transport experiences and new homes and jobs. The main aim is to ensure that every resident has access to services within the borough and the ability to travel to any necessary services outside of Redbridge, promote a modal shift and reduce car journeys, while increasing cycle and pedestrian usage.

Threshold	Policy and Guidance	Justification	Obligations
<p>Major Applications as defined in the Development Management Procedure Order 2015</p>	<p>Redbridge Local Plan (2018)</p> <p>LP22 Promoting Sustainable Transport</p> <p>LP23 Cycle and Car Parking</p> <p>LP4 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 6.4 – Enhancing London's Transport Network</p> <p>Policy 6.9 – Cycling</p> <p>Policy 6.10 – Walking</p> <p>Policy 6.13 - Parking</p> <p>Policy 8.2 – Planning Obligations</p> <p>Please see the Council's LIP, and the Mayor's Transport Strategy.</p>	<p>The Council is not in favour of allowing new development that would place pressure on either the public transport network and/or the borough's road network. This would not help promote sustainable development or a modal shift. CIL funds and other mainstream funding programmes will be used to address the increasing impacts of development on the transport network. However, individual developments may cause a site-specific impact which should be directly addressed through the development itself, or where that cannot be achieved we will use Section 278 agreements or section 106 planning obligations. The impact of providing floorspace (partial demolition and</p>	<p>Highway improvements may be necessary to make a development acceptable. We will calculate the Section 106 planning obligation based on a list of site specific items for which the costs are regularly updated to reflect changes in build costs. We will also seek to secure non-financial planning obligations to address the impact of a development proposal. Non-financial planning obligations may include:</p> <p>Car Club Initiatives, Modelling, Adoption of Land, Electric Vehicle Charging Bays, Travel Plans, Travel Plan Monitoring Fees (see monitoring), Construction Logistics Plans, Car Free Permit Agreements, Network Impacts, and Servicing and Delivery Plans</p>

Threshold	Policy and Guidance	Justification	Obligations
		rebuild) may result in extensive damage to site-specific transport infrastructure (such as crossings, cycleways, and bollards). It is reasonable that contributions may be asked for to address this site-specific impact on a case-by-case basis to mitigate against any unsatisfactory outcomes.	

Highway improvements that may be necessary, specific to development, include, but are not limited to:

- the provision, removal or relocation of street furniture;
- dropped kerbs, crossovers, footways & pedestrian crossings;
- cycle routes & car club bays;
- land for improvement, to form access, amend junction layouts, and add traffic signals;
- CCTV (inclusive of footway buildouts and associated works, access and connections);
- bus stops (inclusive of lighting and accessible environment around stops);
- The delivery and servicing of infrastructure;
- Trees; and
- Any surveys, studies, designs, monitoring or Traffic Management Orders related to the above.

Through Local Plan policies LP22 and LP23, as well as the LIP, new development should be connected into the existing public transport networks, and that any negative impacts on the local or wider connectivity of the area are mitigated. Planning obligations will be used to secure mitigation of site specific impacts and take advantage of any opportunities to enhance the wider transport networks where related to the site, and which cannot be funded through CIL.

Please speak to the Highways Team, via your Planning Case officer, for further guidance. It is best to agree these obligations at pre-application stage.

15.1 Controlled Parking Zones (CPZ)

Details of Controlled Parking Zones may be discussed at pre-application stage with Highways Officers. There may be cases whereby a development will be required to contribute to the development and implementation of a borough-wide CPZ or contribute to upgrading existing ones, which the development may be exempted from. Specific details will be discussed with the Council's Highways team.

15.2 Transport Monitoring

In terms of monitoring, the Council will require travel plan monitoring fees for five years, as per TFL standards¹⁰. Fees for monitoring will be calculated using a fee calculator and will be payable to the Council. The travel plan monitoring cost will be charged by the Council for administering the requirements of surveys, providing guidance to Travel Plan coordinators, and for reviewing the monitoring surveys, as well as the owners compliance with the terms of the travel plan. Similar monitoring requirements can be applied to delivery and servicing plans.

15.3 Bonds

The Council will also seek bonds from developers. The bonds will be kept in an escrow account and payable to the Council. These will be returned to the developer, subject to the land within the blue line boundary being 'made good again', such as that footways surrounding the development are made good including removal of redundant crossovers, replacement of broken paving or street furniture so they are of a consistent high quality and uniform material that is in keeping with surroundings.. These are used to secure obligations, and paid prior to commencement of the development and be held for a number of years. The bonds will help guarantee that all of the measures specified in the travel plan are implemented, that all surveys and questionnaires are completed to the specifications in the travel plan, that submissions are done in a timely manner, and that all targets of the travel plan are achieved, or as defined by the Council thereafter.

¹⁰ <https://tfl.gov.uk/info-for/urban-planning-and-construction/travel-plans/monitoring-travel-plans>

16.0 Telecommunications

The NPPF requires the Council to facilitate telecommunications development, including high speed broadband technology as essential for sustainable economic growth and in enhancing the provision of local community facilities and services, while ensuring as far as possible that any visual impact of the structure on valued features of the borough's environment is minimised. These requirements are set out in LP25, regarding the specifics for the types of telecoms which would be supported.

Policy P25 seeks to minimise any adverse impact of such development on visual amenity, aural amenity, and on public safety including movement without restricting its provision. All applications for development are encouraged to consider, along with all relevant telecommunications operators, how the telecommunication needs of the occupiers will be met.

The Council through its Local Plan will promote the development of advanced, high quality communications infrastructure to support economic growth and more accessible, inclusive communities. Developments should facilitate high speed broadband and advancement in communication networks where possible.

Through pre-application discussions, the Council will encourage applicants to consider how new developments can be designed in such a way that would assist with the delivery of high speed broadband technology.

If the development proposal does not adequately address the requirement for superfast or ultrafast broadband connectivity, the Council may request a financial contribution to improve linkages to an available backhaul, exchange and/or the upgrading of an exchange where this has been identified as necessary to ensure the required broadband speeds can be provided. An internet plan showing how the above will be achieved may also be required.

Proposals should not add to street clutter, and details about design and siting should be included.

The Council will negotiate with the developer over the appropriate level of financial contribution required, and expect best endeavours on their behalf.

17.0 Public Realm and Public Art

Section 106 planning obligations will be sought to address the impact on the public realm in the local area surrounding the development, through either:

- Commitment by the applicant to carry out a schedule of works under a section 278 agreement of the Highway Act 1980. An agreed list of works should be detailed in the section 106 agreement, with an outline of the range of works attached. A contribution towards works to be carried out by contractors employed by Redbridge Council; or
- Where appropriate, works to a development's surrounding area include: footpaths and carriageways, street lighting, tree planting, green chains, urban parks, surrounding footways and streetscape, maintenance payments, community safety initiatives, public art, landscaping, wildlife habitats and others as required.

Threshold	Policy and Guidance	Justification	Obligations
Major Applications as defined in the Development Management Procedure Order 2015	<p>Redbridge Local Plan (2018)</p> <p>LP22 Promoting Sustainable Transport</p> <p>LP 26 – Promoting High Quality Design</p> <p>LP41 – Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 7.2 – An Inclusive Environment</p> <p>Policy 7.5 – Public Realm</p> <p>Policy 8.2 – Planning Obligations</p>	<p>The Council, with other services, will continue to improve the public realm through various initiatives. Good public realm surrounding new development is key for increased footfall in an area, as well as improving 'place based' initiatives such as increased accessibility and safety.</p>	<p>Demonstrated in a Public Realm/Public Art action Plan - to enhance the range of arts and cultural opportunities in the area. The applicant will then provide an assessment as part of the Cultural Action Plan on how they proposed to meet deliver this or any future documents or updates produced by the Council regarding culture in the borough.</p>

Proposed works should also be discussed with the Council's Urban Design and Regeneration teams at an early stage and submitted for the Council's approval, this can be done at the pre-application stage. A transparent process of commissioning public art work, involving professional curator/art organisations and/or stakeholder community engagement is expected to occur, with local involvement given precedent, where possible. The overall public art provision will be subject to consideration in light of other planning obligations sought, including the creation of new or improved public realm, and the design and architectural merits of the development proposed.

Where appropriate, it is expected that arts in the public realm are integrated. Provision of art on construction hoardings is also strongly encouraged, again, where possible, and is expected on prominent sites, especially those in town and local centers, and along the Crossrail Corridor. This provides visual interest, softens the impact of a development site on the local area, deters fly-posting and presents a further opportunity to engage with the community, young people and involve local artists.

18.0 Open Space

There is a variety of open spaces within the borough. These come in different scales and types, from allotments to county parks. 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 to provide adequate space for relaxation, promote active and healthy lifestyles and to strengthen the sense of community and pride of place. Local Plan Policies LP34 to 39 seek to ensure that public and private open space is protected and enhanced, while ensuring it is accessible to all, where practical and appropriate, while LP29 ensures that private open space is in accordance with national standards.

Threshold	Policy and Guidance	Justification	Obligations
Major Applications as defined in the Development Management Procedure Order 2015	<p>Redbridge Local Plan (2018)</p> <p>LP29 – Amenity and Internal Space Standards</p> <p>LP35 – Protecting and Enhancing Open Spaces</p> <p>LP41 – Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 7.16 – Green Belt</p> <p>Policy 7.17 – MoL</p> <p>Policy 7.18 – Protecting Open Space and Addressing Deficiency</p> <p>Policy 8.2 – Planning Obligations</p>	<p>LP 29 seeks that new public space within new developments should be accessible, particularly in areas of open space deficiency. In some cases, reconfiguration of open space to achieve greater quality and access may be necessary to achieve optimal use.</p>	<p>Where there is a shortfall of open space on a site, the developer should seek to provide contributions to the Council to improve the quality of existing open space in the vicinity of the development.</p> <p>A list of projects will be agreed by the Council and communicated to the Developer/Applicant.</p>

The priority will be to deliver open space on-site, especially in areas of Areas of Open Space Deficiency. Development which directly causes a reduction in open space will only be permitted in exceptional circumstances to be agreed by the Council. Where demonstrable, applicants will be required to provide replacement provision of equivalent or improved quantity and quality that suits current and future needs in an appropriate location or where necessary a commuted sum for open space provision, or as set out by the Council in project form. Please note the proximity and adequacy of existing public parks or playgrounds will not normally have bearing material factor in determining the amount, form and accessibility of amenity space provided for within a new development scheme. Further detail on this can be discussed at pre-application meetings.

Further to this, any future commuted sums will be payable on commencement of the development. This will be based on the standard of onsite amenity set out above, minus any on site provision towards meeting the required level of provision. While a cost has not yet been identified by the Council, any identified cost or project will be communicated at pre-application stage, either by the Case Officer or a relevant member of staff relating to Parks and Open Space.

19.0 Children’s Play Space

The London Plan (Policy 3.6) identifies the requirement for the provision of play and informal recreation within London as well as the need for London boroughs to undertake audits of existing play and informal recreation provision and assessment of needs in their areas. Further to this, Policy 7.1 on the creation of lifetime neighbourhoods and Policy 7.18 on the protection of local open space also deal with play.

Threshold	Policy and Guidance	Justification	Obligations
<p>Major Applications as defined in the Development Management Procedure Order 2015</p>	<p>Redbridge Local Plan (2018)</p> <p>LP29 Amenity and Internal Space Standards</p> <p>LP35 Protecting and Enhancing Open Spaces</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 3.6 – Children and Young People’s Play and Informal Recreation Facilities</p> <p>Policy 7.1 – Lifetime Neighbourhoods</p> <p>Policy 8.2 – Planning Obligations</p>	<p>The Local Plan requires new developments to meet the needs of a growing population by providing space for children’s play on site.</p> <p>Play space will be required in accordance with the Mayor’s SPG on Shaping neighbourhoods Play and Informal Recreation 2012.</p> <p>The Plan states that new development including housing should make provision for play space. This should normally be made on-site</p>	<p>Where there is a shortfall of play space on a site, the developer should seek to provide contributions to the Council to improve the quality of existing play space in the vicinity of the development.</p> <p>A list of projects will be agreed by the Council and communicated to the Developer/Applicant</p> <p>Where development is phased, the London Plan requires the provision of play space to be made within the early phases of the development. A planning obligation may also be sought for the management and maintenance of such spaces.</p>

Mitigation will be sought where schemes do not meet the on-site children’s play space provision standards, as per the Mayor’s SPG. The priority for the Council is that play space is provided on site. The closeness to a nearby play space area will not be considered as justification, however it may be appropriate to improve the quality and quantity of these spaces, if it is a Council priority and agreed by the Council’s Parks team.

20.0 Historic Environment & Heritage

As detailed in Policy LP 33 it is recognised that the historic environment contributes to the enjoyment of life in the borough and provides a unique sense of identity in Redbridge. Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development. Guidance on conserving and enhancing the historic environment has been produced by Ministry of Housing, Communities and Local Government.¹¹

Threshold	Policy and Guidance	Justification	Obligation
Contributions towards the conservation, restoration and enhancement of the historic environment and archaeological sites and monuments will be sought where impact is directly linked as a consequence of a development site and requires mitigation.	<p>Redbridge Local Plan (2018)</p> <p>LP33 Heritage</p> <p>LP41 Delivery and Monitoring</p> <p>London Plan (2016)</p> <p>Policy 7.8 – Heritage Assets and Archaeology</p> <p>Policy 7.9 – Heritage led regeneration</p> <p>Policy 8.2 – Planning Obligations</p>	The policy ensures that the borough's heritage assets and other properties of special character in the borough are conserved, protected and enhanced in a manner appropriate to their special interest, character or appearance and significance.	LP33 sets out the requirements for Conservation Areas, Listed Buildings and Historic Parks & Gardens and Trees and Archaeology.

Where the proposal involves enabling development to secure the repair, restoration and maintenance of the heritage asset, the Council will require any identified funds raised through provision of the enabling development to be held in an escrow account, and appropriate arrangements put in place to manage spending of such funds.

20.1 Related Factors for Consideration

Where appropriate, the range of matters that could be included as part of a S106 agreement in relation to heritage assets could include:

- repair, restoration or maintenance of a heritage asset(s) and their setting;
- increased public access and improved signage to and from heritage assets;
- recording and interpretation panels/ historical information and public open days;
- production and implementation of Conservation Area Character Appraisals and associated Management Plans;
- measures for preservation or investigation and recovery of archaeological remains and sites;
- display of archaeological sites;

¹¹ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

- dissemination of historic environment information for public/ school education; and
- research; and sustainability improvements (such as loft insulation) for historic buildings.

Further advice should be sought from the Council's Urban Design and Conservation Team.

21.0 The Council's Approach to Monitoring

The monitoring of planning obligations and financial contributions received will be reported on as part of the Annual Monitoring Report. The Council has therefore established the following set of monitoring requirements in respect of this SPD:

- The types of obligations being secured and compliance with the requirements of this SPD;
- Monitoring time taken for decisions where a planning obligation has been required as part of the application; and
- Monitoring of delivery (i.e. the completion of obligations including those to be undertaken by delivery agents other than the developer).

The monitoring contribution will typically be based on five percent (5%) of the cost value of the planning obligations included in the agreement, up to a maximum of £50,000. In the absence of any monetary value arising from the obligation, the contribution will be a flat rate of £500. The monitoring contribution will be payable at the same time as the legal fees unless otherwise specified within the terms of the agreement. The monitoring contribution will not be subject to any repayment provisions.

21.1 Maintenance Payments

Where obligations are secured towards the provision of facilities, it may be appropriate for the applicant to make provision for the physical upkeep of those facilities. A one off financial contribution may be required to cover ongoing maintenance requirements, although generally where an asset is intended for wider use, the maintenance costs and other recurrent expenditure associated with the developer's contribution should be borne by the authority in which the asset is invested. These payments will be negotiated, and agreed by all parties.

21.2 Enforcement

Obligations are legally enforceable against the owner(s) (including their successors in title) of the land to which they relate. Only those persons having a legal interest in the land can enter into obligations even if a prospective purchaser/developer of the land has applied for the planning permission (although it is possible for prospective purchasers to also be party to the obligations where they have exchanged contracts to purchase). As planning obligations run with the land, all owners, lessees and mortgagees must be signatories. Therefore, in addition to the draft planning obligations agreement or Heads of Terms, applicants should submit with their planning application all necessary title and deed information as appropriate. Once the planning obligation has been completed, the owner/developer will have to register the obligations as a charge on the land at the Land Registry Local Land Charges

21.3 Collection of the Financial Contributions

The Council will seek all monetary S106 contributions to be paid on completion of the legal agreement unless the developer can demonstrate this is not possible due to viability/cash flow. Further detail will be provided by the Council's Legal team.

21.4 Trigger Points

During the process of drafting planning obligations, trigger points for each obligation will be agreed upon between the applicant and the Council. There are established trigger points that are suitable for planning obligations, and triggers selected in each case will be based on the nature of the obligation and the stage at which the mitigation is required. The established trigger points are:

- Upon the date the planning obligation is completed;
- Upon or prior to commencement of the development or phase therein;
- Upon or prior to practical completion of the development or phase therein (as confirmed by the Council); and
- Upon or prior to occupation of the development or phase therein.

To ensure consistency, the Council will encourage the use of these four identified triggers in negotiations, with the commencement of the development being the preferred point for an obligation to be delivered upon. The Council does however note the cash flow implications and these will be considered. There may be cases where a different trigger point is required on an obligation to those listed above. Any trigger date should be easily identifiable and enforceable e.g. occupation of the development, and any payment obligation will have a corresponding restriction on the development to prevent commencement (or whatever other trigger is agreed) until the payment has been received in full by the Council. Particular attention should be paid to the trigger points and how they interact with the monitoring of obligations.

21.5 Penalty Clause and Enforcement of Obligations

The landowner/developer is bound within each planning obligation to notify the Council upon commencement of the development (and such other triggers that are linked to performance of obligations e.g. occupation). Where the Council is not notified of these and obligations become overdue, the Council will seek to enforce the obligation and, in the case of financial obligations, there will be a late payment clause. In the event of any delay in making any payment required under a planning obligation, interest shall be charged on the amount payable at the rate set by the Council.

The Council will enforce obligations through the relevant legal channels once other reasonable approaches to address non-compliance with obligations have been taken. In such cases, the Council will seek to retrieve its legal costs in taking action from the party that is in breach of its obligations as well as any additional indexation or interest on the sum that is due.

21.6 Legal Costs

The legal costs of drafting an agreement are an impact of a development, one which the Council would not have to bear if the development were not to take place. Therefore, the applicant will be asked to cover the Council's legal costs associated with the preparation of the planning obligation.

21.7 Indexation

All financial contributions, including maintenance sums, will be indexed to the retail price index to allow for the effects of increased costs to implement the necessary actions required by the agreement. Contributions will be indexed linked from the date of the Decision Notice until the time of payment. Indexation provisions will require that the financial contribution due shall not fall below the figure set out in the planning obligation because of indexation.

Appendix A:

Obligation A: Local People Employment Requirement

Under LP 16 – Skills and Training, employment and training obligations can take the following formats:

- Construction phase vacancies – The number of construction phase jobs with a minimum of 12 weeks employment, unless otherwise agreed, for Redbridge residents.
- Operational phase vacancies – When a development involves a commercial element, or is a wholly commercial development, reasonable endeavours must be used to secure a minimum of 20% of overall jobs for Redbridge residents.
- The number of construction phase vacancies (jobs) required for Redbridge residents in a major development will be calculated as follows:

One construction phase vacancy (job) per:
20 residential units
20 student/hotel/hostel bedrooms
1000sqm (GEA) of new commercial and employment floorspace
1000sqm (GEA) new education, healthcare and community floorspace
1000sqm (GEA) new assembly and leisure space

Obligation B: Apprenticeships

Developments with build costs over £3m (based on the viability assessment submitted by the applicant), will be required to recruit a minimum of one construction apprentice through Redbridge Council for every £3m of build cost and pay a £1,700 support fee to the Council per apprentice. The developer must work with the Work Redbridge Service prior to, during and post construction to meet construction phase obligations and maximise operational phase opportunities for local people. Work Redbridge will contact the developer shortly after planning permission has been granted. The developer is to issue details to the service of the individual responsible for overseeing the delivery of employment and training obligations. This is in line with Local Plan (2015-2030) Policy LP 16 – Skills and Training, and LP 41 – Delivery and Monitoring.

Obligation C: Training and Skills and Financial Contributions

The Council will support developers to deliver training and fill vacancies through its Work Redbridge job brokerage service at each stage of the construction to meet the requirements of Policy LP16 and will expect developers to contribute towards the cost of providing this support. Financial contributions to deliver employment and training outcomes will be calculated as follows:

Construction Purpose	Calculation
Construction phase training and job brokerage	£2,750 for every £1m of construction costs
End-use phase training and job brokerage	£2,750 (A) X Number of jobs created/lost through the development (B)¹² / % of Redbridge residents employed in the borough (C)

¹² <https://www.gov.uk/government/publications/employment-densities-guide-3rd-edition>

(A)– Average cost of job training/support per person benchmarked with other London boroughs (2018). (B) – Calculated using Homes England Employment Densities Guide. (C) – Based upon current official figures, these will be calculated annually by the Council.

Example: (A x B) divided by 100 multiplied by % of Redbridge Residents employed working in the Borough (C).

(C) is to be determined using the most relevant and up to date mechanisms. The most accurate means of establishing (C) is using census 2011¹³, and NOMIS¹⁴ official labour market statistics. These can be manipulated to establish (C).

Appendix B:

CIL Regulation 123 List¹⁵

Regulation 123 List of Infrastructure Types to be funded by CIL Takes effect from 30 November 2012.

- Education facilities;
- Leisure facilities (sports facilities defined as publicly owned leisure centres, gyms and swimming pools);
- Transport improvements excepting site specific matters needed to make the development acceptable in planning terms. Site specific matters can include (but are not limited to) highways crossovers to access the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment;
- Health care facilities;
- Library services;
- Community Care facilities (social care institutions providing for older people and people with mental health or learning disabilities);
- Open space provision (publicly accessible open space and allotments); and
- Community facilities (community centres and meeting places but excluding places of worship; voluntary sector meeting places and centres and public cultural facilities)

¹³ <https://www.ons.gov.uk/census/2011census>

¹⁴ <https://www.nomisweb.co.uk/reports/lmp/la/1946157275/report.aspx>

¹⁵ This list is subject to change, pending review.

Appendix C:

Glossary of Terms

Please see Appendix 9 of the Local Plan (2015-2030), pages 201 – 206:

https://www.redbridge.gov.uk/media/4934/10-redbridgelocal-plan_070318_web-1.pdf