

**Statement of Consultation**

**Planning Obligations  
Supplementary Planning Document (2017)**

**Regulation 12**

**May 2017**



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## **1. INTRODUCTION**

- 1.1 In accordance with the Town and Country Planning (Local Plan) Regulations (2012), it is a requirement that the Local Authority publishes a Consultation Statement for Supplementary Planning Documents (SPDs) setting out:
- Who was consulted;
  - What issues were raised, and;
  - How these have been addressed in the document.
- 1.2 The Planning Obligations SPD has been produced to revise the existing Planning Obligations SPD 2014. The revised SPD provides updated guidance on planning obligations and Section 106 agreements and how these will work alongside the Community Infrastructure Levy in securing the appropriate contributions required to support growth in Waltham Forest.

## **2. PUBLIC CONSULTATION**

- 2.1 According to planning legislation the statutory minimum requirement is for the Local Planning Authority to carry out public consultation of the SPD for a period of 4 weeks.
- 2.2 The draft Planning Obligations SPD (2017) was prepared and subject to public consultation for a period of 4 weeks from 13<sup>th</sup> March 2017 until 10<sup>th</sup> April 2017. The consultation was carried out in line with the Council's Statement of Community Involvement.
- 2.3 During this consultation, the draft document was published on the Council's website and was available to view through the Council's online consultation portal. In addition, hard copies were made available for the public to view at Council Town Hall Offices and in all local Waltham Forest libraries. Refer to the Public Notice in Annex 2 for further details.
- 2.4 Through the Council's online consultation portal, notifications were sent by email / post to all consultees listed on the Council's Local Development Framework database (1,993 consultees) including local residents, statutory consultees and identified stakeholders. Refer to Annex 3 for a copy of the letters posted.

### **3. CONSULTATION RESPONSES**

- 3.1 During the public consultation, 26 responses were received from 8 individuals or organisations, including local residents, government bodies, landowners and prospective developers. The comments received and the Council's response to each of the comments are detailed in Annex 1.

### **4. SUMMARY OF CONSULTATION COMMENTS & COUNCIL'S RESPONSES**

- 4.1 The main comments received during the public consultation are listed below:

- Minor wording changes proposed to Sections 1, 3 and 5 for correction and clarification purposes.
- Queries raised relating to the Council's current R.123 list and the relationship between S.106 and the types of infrastructure to be funded through CIL.
- Clarification requested on the Council's intentions for planning obligations relating to flood risk management, green infrastructure and contaminated land.
- Clarification requested on the figures used to calculate contributions for construction training and air quality obligations.

- 4.2 All of the comments received have been carefully considered by the Council. The final SPD as proposed for adoption incorporates all the necessary changes arising from the consultation as detailed in Annex 1.

## Annex 1 – Full report on comments received during public consultation and Council’s responses

No.	Name & Organisation	SPD Section / Issue	Summary of consultation comment / issue	Response to comment	Changes proposed to SPD
001	Matt Conway, Local Resident	Section 4	Concern over the use of the 50% affordable housing figure when recent planning permissions granted by the Council are not meeting this target.	<p>Policy CS2 of the Core Strategy aims to maximise the number of quality affordable homes in the Borough by aiming to provide at least 50% of homes as affordable over the plan period. This figure has also more recently been reinforced by the Council through the approval of the Economic Growth Strategy in 2016.</p> <p>Each planning application is determined on its merits and developments providing less than 50% affordable housing must justify this through the submission of a viability assessment.</p> <p>As an SPD is intended to provide additional guidance on matters covered in the Core Strategy (2012) and Development Management Policies (2013), it cannot make policy changes.</p>	No change
002	Matt Conway, Local Resident	Section 6	Concern over clauses 6.5 and 6.7 and the use of temporary benefits to make up for the loss of employment floorspace. Identifies the need for the Council to be committed to retaining employment land use, which could be incorporated through mixed uses.	<p>Policy CS8 of the Core Strategy details that the Council is committed to ensuring the supply of land for industrial uses through protecting Strategic Industrial Land (SIL), securing more jobs for local people through intensifying existing employment land in Borough Employment Areas (BEA’s), encouraging a mix of employment facilities and types, particularly in the BEA’s and giving priority to mixed use developments on non-designated employment land.</p> <p>Section 6 of the draft SPD does not encourage a loss of employment space, but provides additional guidance for situations where a loss of employment space may be considered appropriate in line with the Council’s policies and in line with the tests set out in Regulation 122 and 123</p>	No change

				of the CIL Regulations 2010 (as amended).	
003	Mark Furnish, Sport England	Section 9	The inclusion of obligations for the purposes of social infrastructure, including open space for sport and recreational purposes is welcomed. The improvements to such infrastructure, in sporting terms, should be informed by the priorities and recommendations in an up-to-date Playing Pitch Strategy (PPS). Currently, however, Waltham Forest does not have an up-to-date PPS but the Council is currently in the process of producing one.	Noted and agreed, the Council is currently in the process of producing an updated Planning Pitch Strategy, which will inform the new Local Plan.	No change
004	Mark Furnish, Sport England	Section 9	Concern over the current Regulation 123 list with generic statements relating to open space and leisure facilities. Sport England considers the listing of key sites or projects to be more effective when listed in the Regulation 123 list and that the use of specific obligations in S106 agreements are also more effective in creating or enhancing sports facilities or playing pitches.	Noted. The Council is currently in the process of revising the CIL Charging Schedule, and is working towards an updated Infrastructure Delivery Plan (IDP) which will consequently lead to a revised Regulation 123 list.	No change
005	Harriet Vincent- Wilson, Transport for London	Section 1	Paragraph 1.21 should use the term 'exemptions' instead of 'exceptions'. It should be noted that Mayoral and Borough CILs have to offer both mandatory social housing and mandatory charitable relief.	Noted and amended	Clause 1.21 amended
006	Harriet Vincent- Wilson, Transport for London	Section 1	The reference to Mayoral CIL is welcomed in paragraph 1.21 and 1.22. The end of paragraph 1.22 should read 'This is currently being allocated to partially fund the delivery of the Crossrail Project.'	Noted and amended	Clause 1.22 amended
007	Harriet Vincent- Wilson, Transport for London	Section 3	Include a note in paragraph 3.1 that where an application is referred to the Mayor of London, the applicant should seek to engage with both TfL and the GLA for pre-application advice and discussion.	Noted and amended	New clause added as 3.2
008	Harriet Vincent- Wilson, Transport for London	Section 5	Paragraphs 5.12, 5.13/5.15 and 5.16 encourage car-free development, car clubs and travel plans respectively, which is in line with London Plan policy and welcomed by TfL.	Noted	No change
009	Harriet Vincent- Wilson, Transport for	Section 5	Chapter 5 would benefit from providing clarification with use of the words 'Section 106 agreement' in replacement of 'planning obligations' in order to aid understanding, for	Noted and some amendments made	Clauses 5.4, 5.10, 5.14

	London		example in paragraphs 5.4, 5.6, 5.10, 5.14.		amended
010	Harriet Vincent-Wilson, Transport for London	Section 5	Paragraph 5.3 states that ‘Specific strategic transport schemes will be funded through CIL, which are to be listed in the Council’s Reg. 123 list’. However I note that there are no specific strategic transport schemes listed in Waltham Forest’s regulation 123 list.	Noted. The Council is currently in the process of revising the CIL Charging Schedule, and is working towards an updated Infrastructure Delivery Plan (IDP) which will consequently lead to a revised Regulation 123 list.	No change
011	Harriet Vincent-Wilson, Transport for London	Section 5	Paragraph 5.5 does not indicate the full scope of necessary transport infrastructure. This should be addressed by adding the words highlighted in the following- ‘the Council will work closely with TfL to address the demand on local bus, rail and tube networks and supporting infrastructure, particularly within those areas of high growth throughout the Borough.’	Noted and amended	Clause 5.5 amended
012	Harriet Vincent-Wilson, Transport for London	Section 5	Paragraph 5.9 mentions the Transport for London Road Network (TLRN). However it refers to only the Strategic Road Network (SRN) sections in Waltham Forest (A104 and A112). For clarification, the SPD should mention the sections of TLRN roads in the borough; A406 (North Circular Road) and A12 (Hackney to M11 link road) and state that TfL are the highway authority for TLRN roads.	Noted and amended	Clause 5.9 amended
013	Janice Burgess, Highways England	Whole document	No specific comments on the draft SPD, but welcome the opportunity to work with Waltham Forest through the development of the Local Plan.	Noted	No change
014	Graham Saunders, Historic England	Whole document	No specific comments on the draft SPD, but welcome the inclusion of reference to heritage assets in the document.	Noted	No change
015	Dr Sophie Donaldson, London Borough of Newham	Whole document	Supportive of the aims and objectives in the document, particularly those pertaining to the delivery of new homes for London and the facilitation of economic growth, helping to achieve the careful balance between jobs and homes to serve the increasing pressure on employment land and housing delivery in the East London sub-region.  Satisfied that the document does not present any cross-boundary strategic issues.	Noted	No change

016	Jane Wilkin, Environment Agency	Section 3	Concern over the lack of information in Section 3 relating to the role of third parties / statutory consultees in requirements for Section 106 agreements.	The consultation of third parties / statutory consultees occurs as part of the planning assessment process. Any comments made with regard to proposed development are then taken into consideration by the planning officer, with further discussions taking place regarding all aspects of the application, including any required S106 agreements. It is not considered that any further details are required in this SPD as this is a regulated process.	No change
017	Jane Wilkin, Environment Agency	Section 10	<p>Concern raised over the wording of Clause 10.2 and how this could be interpreted relating to flood risk management off site and types of flood risk infrastructure funded by planning obligations. Could maintenance or refurbishment projects for existing assets be included within the scope for seeking planning obligations?</p> <p>Suggestion made to include reference to maintaining/ improving the existing level of protection and dealing with the impacts of climate change.</p>	<p>In line with Planning Practice Guidance on flood risk, development can be made safe by being located where there is the lowest risk of flooding and being managed through the provision of adequate flood risk infrastructure. Such infrastructure can be maintained using CIL, planning obligations or Partnership Funding, where appropriate.</p> <p>As identified in the Council’s DM Policy 34, new or upgraded infrastructure to reduce and mitigate against flood risk can be provided through contributions where necessary. The Council considers that large flood protection measures and/or upgrades to existing infrastructure to mitigate and reduce flood risk should be funded through CIL. Planning obligations will be used only in accordance with the R.122 tests on a site by site basis.</p> <p>Clause 10.2 is not intended to change the policy detailed in the Local Plan or DM Policies. As such, it is not envisaged that maintenance or refurbishment projects for existing assets will be sought from planning obligations, unless deemed necessary in accordance with R.122.</p> <p>Some minor amendments have been made to Clause 10.2 to provide further clarification of the Council’s intentions relating to flood risk and management.</p>	Clause 10.2 amended
018	Jane Wilkin, Environment	Section 10	Further information should be provided in Clause 10.3 to strengthen the Council’s approach to protecting	Noted. The NPPF is clear that pursuing sustainable development includes moving from a net loss of	Clause 10.3 amended

	Agency		biodiversity.	<p>biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution by protecting and enhancing valued landscapes.</p> <p>Following review of this section, the wording of this clause has been amended to provide further detail and clarification on the Council's intentions in seeking planning obligations in relation to biodiversity and green space.</p>	
019	Jane Wilkin, Environment Agency	Section 10	<p>The reference to green corridors is welcomed and a suggestion is made to expand what is meant by green corridors so that more than the loss of trees is considered. This should specifically include reference to rivers and canals, road and rail corridors, cycling routes, pedestrian paths and rights of way. Further detail should also be provided in this section to strengthen the significance of green infrastructure in this document.</p> <p>The wording of Clause 10.6 is questioned, given that biodiversity is considered an important feature of green infrastructure.</p>	<p>Noted. Upon review of this Section, it is agreed that the wording could be strengthened to clarify the elements of biodiversity and green infrastructure the Council places significance on. Further detail has been inserted into Clauses 10.4 and 10.5 to reflect the NPPF and Natural England guidance on green infrastructure and how this is important to delivering sustainable development.</p> <p>The wording of Clause 10.6 has also been removed to avoid confusion relating to planning obligations for biodiversity purposes.</p>	<p>Clauses 10.4 and 10.5 amended</p> <p>Clause 10.6 deleted</p>
020	Jane Wilkin, Environment Agency	Section 10	<p>The reference to waterways and the Walthamstow Wetlands is welcomed in the document, especially the recognition that development on land adjacent to waterways contributes to green infrastructure. Further clarification is requested on what type of planning obligations will be requested by the Council for waterways and in what circumstances funding could be used.</p>	<p>As identified in the Council's Local Plan policies, land adjacent to waterways contributes to the green infrastructure network and is valuable for sport and recreation, as well as flood defence. The Council is keen to increase public access to waterways for recreation purposes, which includes the Walthamstow Wetlands, however this needs to be balanced with the need to provide undue disturbance on sensitive species and habitats.</p> <p>As such, planning obligations will be sought to ensure the long term sustainability of waterways and wetlands, where necessary in line with the Regulation 122 tests.</p>	<p>Clauses 10.7 and 10.8 amended</p>

021	Jane Wilkin, Environment Agency	Section 11	Requests clarification of the intention of Clause 11.11, which is currently unclear.	Noted. In line with the Local Plan and National Planning Guidance, this clause has been amended to provide clarification on when planning obligations will be sought for development on contaminated land.	Clause 11.11 amended
022	Daniel Palman, Berkeley Homes	Section 1	The introduction section of the SPD provides a useful overview of the relationship between Community Infrastructure and Section 106 Contributions. However the tables provided in Section 5 of the current Planning Obligations SPD setting out the 'Summary of approach to development mitigation and infrastructure delivery' should be retained in the revised SPD to provide a clear understanding on infrastructure delivery.	Noted, however the Council does not agree that the previous approach used to set out the CIL / S106 differences is beneficial. The purpose of the Regulation 123 list is to provide details of what CIL will be spent on and can be updated as necessary in line with the regulations. Therefore providing this information as part of the SPD creates more confusion.  The Council is currently in the process of revising the CIL Charging Schedule, and is working towards an updated Infrastructure Delivery Plan (IDP) which will consequently lead to a revised Regulation 123 list.	No change
023	Daniel Palman, Berkeley Homes	Section 6	Support is given to the overall approach of mitigating the loss of employment on sites where this cannot be offset by the proposed development and the clear guidance to calculate the loss of employment land, uses or jobs. A request is made for a more flexible calculation to be used in those circumstances where the number of jobs lost is known through existing operations on site.	It is acknowledged that in some circumstances the land owner may be able to provide figures as evidence towards the number of jobs lost on site and in these cases this evidence would be welcomed as part of the planning application. Such evidence will form part of the assessment required to determine whether the loss of employment floor space can be justified in accordance with the Council's DM Policies. However, as this is not always possible the calculation in the SPD is required to ensure that the Council protects the existing employment land throughout the borough.	No change
024	Daniel Palman, Berkeley Homes	Section 7	Support is given to the Council's commitment to supporting local labour and apprenticeships on major developments. A request is made for flexibility on implementation of the local employment and training obligations and concern raised over the requirement to provide both apprenticeships and construction placements. A change is suggested to the number of construction placements required based on 20%, rather	The Council welcomes the commitment of Berkeley Homes with their own in-house apprenticeship programme, supporting young people in construction. There cannot be a one-size-fits-all approach to local labour and employment, due to variations of development sites and as stated in the SPD, the Council is committed to working with developers and contractors to agree Employment and Training Plans for major developments, which will differ for all	Clause 7.14 amended

			<p>than the figures used in the SPD, as it is easier to monitor and manage and provides consistency of approach across all developments.</p> <p>Question raised over the financial contribution figure used to calculate the cost of providing construction training and support placements and the impact this may have on the viability of potential development schemes. Further detail is requested to justify the use of this figure.</p>	<p>applications.</p> <p>Evidence provided in the 2016 Waltham Forest Employment Land Study (Baseline Report) indicates high levels of deprivation, poor skills levels and high unemployment within the borough. As such, the Council is committed to encouraging high levels of local labour on development sites, through apprenticeships and other relevant local labour positions. It is not considered onerous to request multiple positions, where appropriate. The Council does not agree that the suggested change to 20% would provide greater consistency or be easier to monitor. The number of placements is to be agreed during the planning assessment process on a site by site basis in conjunction with the Council’s Business, Growth, Investment and Employment Service.</p> <p>With reference to the figure used to calculate the cost of providing construction training and support, this is based on the average cost of a Level 1 and Level 2 Diploma in construction skills (including brickwork, carpentry, joinery, painting, decorating and electrical installations) currently provided by a local Waltham Forest College (using 2016/17 prices). It is agreed that further detail could be provided in the SPD to specify where the figure has come from and this has been added to the document.</p> <p>The previous calculation for employment and training initiatives was based on a square metre calculation. Feedback from local developers during the planning application process indicated that this figure was too onerous and did not accurately reflect the costs of training local residents. As such, the Council has sourced up to date figures of the cost of construction training courses that will be used for local residents. This is not intended to have a</p>	
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				detrimental impact on viability, particularly given that developers are encouraged to provide on-site construction training, which if provided, will not incur the construction placement contribution.	
025	Daniel Palman, Berkeley Homes	Section 9	<p>Support is given to the delivery of social infrastructure to meet the needs of existing and new communities and recognise the importance of place making at the heart of new development.</p> <p>Concern is raised over the inclusion of education and early childcare facilities and health in the SPD, given that these are also currently listed in the Council’s R123 list.</p>	<p>The concern is noted. The Council is aware of the current CIL Regulations and acknowledges that while these elements are listed on the Regulation 123 list, specific S106 contributions for the same purposes cannot be requested from a development that is also CIL liable.</p> <p>The purpose of the Regulation 123 list is to provide details of what CIL will be spent on and can be updated as necessary in line with the regulations. The Council is currently in the process of revising the CIL Charging Schedule, and is working towards an updated Infrastructure Delivery Plan (IDP) which will consequently lead to a revised Regulation 123 list.</p>	No change
026	Daniel Palman, Berkeley Homes	Section 11	<p>Berkeley recognises the importance of ensuring that development are, where feasible, air quality neutral and contribute towards reducing pollution exposure. Concern is raised over the figures provided in Table 11.1 seeking financial contributions towards the implementation of the AQAP and asks for the evidence behind these figures to be provided.</p>	<p>The concern is noted. Upon review of the figures provided in Table 11.1, it has been decided that contributions towards the Council’s implementation of the Air Quality Action Plan are to be sought on a site by site basis in line with Planning Practice Guidance and CIL Regulation 122.</p> <p>Any contributions required for air quality mitigation during the assessment of a planning application will reflect the particular characteristics of a proposed development and the local context, and will be used towards site specific monitoring and control of air quality emissions in line with the Council’s Air Quality Action Plan. Amendments have been made to Clause 11.7 to reflect the Council’s intentions.</p>	<p>Clause 11.7 amended</p> <p>Table 11.1 deleted</p>

## Annex 2 – Copy of Public Notice

Regeneration and Growth  
Director Regeneration and Growth:  
Lucy Shomali



### PLANNING AND COMPULSORY PURCHASE ACT 2004 THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012

#### Public Consultation of Draft Revised Planning Obligations Supplementary Planning Document 2017

The Council has prepared this Draft Supplementary Planning Document (SPD) relating to planning obligations, which revises the existing Planning Obligations SPD 2014. This draft document provides updated guidance on planning obligations and Section 106 agreements and how these will work alongside the Community Infrastructure Levy in securing the appropriate contributions required to support growth in Waltham Forest.

#### How to respond:

Consultation on the SPD will run for a period of four weeks, from **13<sup>th</sup> March 2017 until 10<sup>th</sup> April 2017**. All comments submitted during this time will be carefully considered in preparing the final document for adoption.

The Council welcomes your comments on the draft document, which can be viewed:

- At all Waltham Forest Libraries during normal opening hours
- At Sycamore House (Reception), Waltham Forest Town Hall Complex, London E17 4JF
- By downloading the document from the Council's website:  
<https://www.walthamforest.gov.uk/content/planning-policy-consultations>

The Council's preferred method for receiving consultation responses is through this consultation portal where you will be able to view the document and send us comments online:  
<http://walthamforest-consult.limehouse.co.uk/portal>

Alternatively, you can submit your comments in writing using either of the following methods:

- Via email: [planning.policy@walthamforest.gov.uk](mailto:planning.policy@walthamforest.gov.uk)
- Via post: Planning Policy, Room G08  
Sycamore House  
Waltham Forest Town Hall Complex  
London E17 4JF

**All Comments must be received by 5.00 pm on Monday 10<sup>th</sup> April 2017.**

Joe Addo-Yobo  
Head of Planning Policy and Strategy



[walthamforest.gov.uk](http://walthamforest.gov.uk)

## Annex 3 – Copy of Consultation Letter

NB. The draft Planning Obligations SPD was consulted alongside the Draft New South Grove/St James Street SPD

Regeneration and Growth  
Director Regeneration and Growth:  
Lucy Shomali



Sycamore House, Town Hall Complex, Forest Road, Walthamstow, E17 4JF

Name	Ask for:	Planning Policy
Company	Our Ref:	SGSJ/SPD
Address Line 1	Your Ref:	SGSJ/SPD
Address Line 2	Email:	planning.policy@walthamforest.gov.uk
Town	Phone:	020 8496 6748
Postcode	Date:	9 <sup>th</sup> March 2017

Dear Resident, Business or Stakeholder,

**Re: Consultation of Two Draft Supplementary Planning Documents: Draft New South Grove/St James SPD and Draft Revised Planning Obligations SPD**

Draft New South Grove/ St James Street Supplementary Planning Document (SPD):

The Council has prepared this draft SPD to take account of changing circumstances in the South Grove/ St James Street area and provide an updated framework for how the area can be developed. Since the South Grove SPD was adopted in 2015 planning permission has been granted for two schemes at South Grove car park and Brunner Road and it is important to ensure that the remainder of the SPD area is developed in a cohesive and high quality way.

The overarching aim of the SPD is to guide proposals for new development as well as ensuring essential infrastructure required to support the South Grove and St James Street area is delivered.

The Council will be running a series of drop-in events where you can meet the team and find out more about the proposals:

- Saturday 25<sup>th</sup> March, 10am-1pm, Queens Road Community Centre, Queens Road, E17 8PL
- Wednesday 29<sup>th</sup> March, 6-8pm, The Mill, 7- 11 Coppermill Lane, London, E17 7HA
- We will be presenting at the High Street Community Ward Forum on 21<sup>st</sup> March, 7-9pm, The Limes Community and Children's Centre, 6 Somers Road, Walthamstow, E17 6RX.

Draft Revised Planning Obligations Supplementary Planning Document (SPD):

The Council has prepared this Draft SPD relating to planning obligations, which revises the existing Planning Obligations SPD 2014. This draft document provides updated guidance on planning obligations and Section 106 agreements and how these will work alongside the Community Infrastructure Levy in securing the appropriate contributions required to support growth in Waltham Forest.

How to respond:

Consultation on both of the above documents will run for a period of four weeks, from **13<sup>th</sup> March 2017 until 10<sup>th</sup> April 2017**. All comments submitted during this time will be carefully considered in preparing the final document for adoption.



INVESTOR IN PEOPLE

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The Council welcomes your comments on the draft documents, both of which can be viewed:

- At all Waltham Forest Libraries during normal opening hours
- At Sycamore House (Reception), Waltham Forest Town Hall Complex, London E17 4JF
- By downloading from the Council's website:  
<https://www.walthamforest.gov.uk/content/planning-policy-consultations>
- Through the Council's consultation portal:  
<http://walthamforest-consult.limehouse.co.uk/portal>

The Council's preferred method for receiving consultation responses is through this consultation portal where you will be able to view the document and send us comments online:  
<http://walthamforest-consult.limehouse.co.uk/portal>

Alternatively, you can submit your comments in writing in any of the following methods:

- Email: [planning.policy@walthamforest.gov.uk](mailto:planning.policy@walthamforest.gov.uk)
- Post: Planning Policy, Room G08  
Sycamore House  
Waltham Forest Town Hall Complex  
London E17 4JF

All Comments must be received by 5.00 pm on Monday 10<sup>th</sup> April 2017.

Local Consultation Database:

This letter has been sent to you as you have previously been registered on the Council's Local Consultation Database. If you no longer wish to be included on this database, please send an email to [planning.policy@walthamforest.gov.uk](mailto:planning.policy@walthamforest.gov.uk)

Yours sincerely,



Joe Addo-Yobo  
Head of Planning Policy and Strategy

