

LLDC LCS Development Protocol

Planning Policy Decisions Team (PPDT) and Growth Boroughs

Introduction

This Protocol outlines the process and procedures for the transition of PPDT development management powers in so far as they relate to London Legacy Development Corporation (LLDC) Legacy Communities Scheme (LCS) outline planning permission.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Growth Boroughs with respect to LLDC Development.

Background

The LCS was originally granted outline planning permission in 2012 (11/90621/OUTODA). It consisted of residential-led mixed use development across seven Planning Delivery Zones (PDZs) within Queen Elizabeth Olympic Park. These included:

- PDZ1 – Marshgate Wharf (now Stratford Waterfront);
- PDZ2 – Marshgate Wharf (now UCL East);
- PDZ4 – Sweetwater;
- PDZ5 – East Wick;
- PDZ6 – Chobham Manor;
- PDZ8 – Pudding Mill; and
- PDZ12 – Rick Roberts Way.

A plan with the location of the relevant PDZs is attached at Appendix 1 of this note. The original planning permission granted consent for:

“Comprehensive, phased, mixed use development within the future Queen Elizabeth Olympic Park, as set out in the Revised Development Specification & Framework (LCS-GLB-APP-DSF-002). The development comprises up to 641,817 sqm of residential (C3) uses, including up to 4,000 sqm of Sheltered Accommodation (C3); up to 14,500sqm of hotel (C1) accommodation; up to 30,369 sqm (B1a) and up to 15,770 sqm (B1b/B1c) business and employment uses; up to 25,987 sqm (A1-A5) shopping, food and drink and financial and professional services; up to 3,606 sqm (D2) leisure space and up to 31,451sqm (D1) community, health, cultural, assembly and education facilities, including two primary schools and one secondary school; new streets and other means of access and circulation, construction of open and covered car parking; landscaping including laying out of open space with provision for natural habitats and play space; new and replacement bridge crossings, re-profiling of site levels, demolition and breaking out of roads and hardstanding, utilities diversions and connections; and other supporting infrastructure works and facilities”.

The LCS has been subject to four completed variation applications under Section 73 (in addition to a number of non-material amendments):

- 2014 (14/00036/VAR) – which amended the phasing for PDZ4 and 5;
- 2017 (17/00236/VAR) – which “slotted out” PDZ2 for academic use;
- 2018 (18/00471/VAR) – which slotted out PDZ1 for other residential and cultural uses; and
- 21/00561/VAR (resolved to approve in July 2022) – which will slot out the eastern edge of Pudding Mill Lane (Bridgewater Triangle) for a replacement higher density residential scheme.

A further variation is also currently being determined by the LLDC PPDT:

- 22/00216/VAR – which will slot out the remainder of PDZ8 at Pudding Mill Lane for a replacement higher density residential-led mixed use scheme (the slot in proposal for a revised masterplan development has been resolved to be approved by LLDC Planning Decisions Committee) with a decision expected end of July 2023.

Assuming that the above variation will be approved, and all variations implemented, this will leave the LCS with four remaining Planning Delivery Zones – Chobham Manor, East Wick, Sweetwater and Rick Roberts Way. However, due to the later implementation of the Bridgewater and Pudding Mill planning permissions which will now be post-Transition, PDZ8 may need to be retained within the new relevant LCS permission (LBN) to be “slotted-out” in due course”.

Of the other remaining PDZs:

- Chobham Manor (PDZ6) is completed and occupied;
- East Wick (PDZ5) is partly occupied (Phase 1 only) with reserved matters approval secured for future phases;
- Sweetwater (PDZ4) has not commenced but has reserved matters approval secured for future phases; and Rick Roberts Way remains approved in outline with no detailed design work on reserved matters. The intention is also to “slot-out” this PDZ from the LCS in due course. A ‘slot-in’ application for housing development is programmed to be submitted to LLDC PPDT in early 2024. It should be noted that the red line for Rick Roberts Way will change given the land swap agreement with LBN.

In addition to this, various parts of the LCS social and physical infrastructure have been delivered independent on the new residential-led communities including Canal Park (PDZ4 and 5), upgraded roads and bridges (PDZ4) and a new secondary and two new primary schools (PDZ4 and 5).

A plan with the residual LCS with the identified slotted-out zones is attached at Appendix 2.

Operation of the LCS

The LCS permission has over 300 planning conditions and a detailed section 106 agreement which 15 schedules of obligations. Although there are a number of PDZ-specific conditions, many of the planning conditions and obligations are generally split between site-wide requirements (e.g., strategies, payments) and those that apply to all individual PDZs..

This structure has worked well whilst there has been a lead developer (LLDC Development) and a single local planning authority (LLDC PPDT). PPDT recognise that post-Transition the LCS as a single consent straddling the administrative planning boundary of three London boroughs – Newham (PDZ6 and 12), Hackney (PDZ5) and Tower Hamlets (PDZ4) may prove somewhat unwieldy for the three boroughs to navigate:

- Developers may need to discuss and directly consult with three separate planning authorities when implementing their consents and/or dealing with amendments or variations to their schemes;
- Applications under Section 73 or Section 96A would need to be made to each of the Boroughs. As well as the resource implications there could be the potential issue of addressing representations made by boroughs in relation to the determination of applications or variation of permissions outside their boundary; and
- For the (residual) LLDC as landowner it is unclear who would discharge site-wide planning conditions, and how any site-wide payments might be split.

Task - Proposed Re-Structure of the LCS Permission

LLDC PPDT together with LLDC Development propose to restructure the outline planning permission and associated section 106 legal obligations /Unilateral Undertakings (UU).

The LCS would be split into **three** separate section 73 permissions, each with a reduced redline. This would be drawn up on borough boundaries so there would be one for PDZ4 (London Borough of Tower Hamlets), PDZ5 (London Borough of Hackney), and PDZ6, PDZ8 and 12 (London Borough of Newham). Conditions and obligations would be reimposed on a PDZ-basis only. Concurrent applications under section 96A would also be made to amend the description of development.

Protocol Objectives

- a. Replace the existing LCS permission and associated section 106 legal agreements /Unilateral Undertakings (UU) with **three** borough-specific permissions and UUs so that the planning conditions and obligations are reapplied where necessary to each of the residual Planning Delivery Zones (PDZs).
- b. Ensure existing LCS development and any mitigation secured under conditions/obligations is PDZ-specific i.e., to sit distinctly within each Borough boundary for relevant Borough (LBN, LBTH and LBH).
- c. Remove obligations/conditions relating to site-wide requirements and rely on PDZ-specific requirements only.
- d. Ensure triggers for delivery or payment are specific to a PDZ, rather than a cumulative site-wide trigger.
- e. Provide knowledge and clarity to the Growth Borough on the LCS Development planning permission.
- f. Prepare a range of documents and plans, which supplement the planning register data.
- g. Enable the Growth Boroughs successful monitoring of planning conditions and legal obligations post transition.
- h. Enable Growth Boroughs to undertake where required successful enforcement.
- i. Enhance Growth Borough decision-making and community participation in the planning process.
- j. Streamline planning procedures and improve efficiency.
- k. Strengthen accountability and transparency.

Programme

A detailed programme will be prepared and shared with the boroughs by September 2023. Tasks and actions will include:

- LLDC to review the conclusions of the original Environmental Statement and its updates following the previous section 73 applications.
- LLDC to review how site-wide conditions and obligations (including financial payments and delivery triggers) are reimposed on a PDZ basis.
- Borough review and comment on draft work schedules – monthly updates to boroughs to commence from September 2023.
- Borough workshop at Borough location TBA to go through the main points of the LCS permission and what is programmed for submission/change November 2023
- LLDC to prepare planning red line for each section 73 application by November/December 2023.
- LCS split out decisions determination expected first quarter 2024.
- *For noting - supplemental planning register data relating to LLDC LCS Development (set out above) to be provided as per the Borough Data Transfer Plan agreement.*

Conclusion:

This protocol provides a roadmap for the smooth transition of PPDT's development management powers with respect to LLDC LCS Development to the Growth Boroughs. By following this protocol, the Growth Boroughs can maintain effective development management processes, and engage stakeholders in the decision-making process.

Agreement

Borough agreement on the protocol (dated xxxxx)

Appendix 1



