

# Local Plan Background Paper: Duty to Cooperate

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# Contents

	Page
1 Introduction	3
2 Legislative and Policy Context	5
3 Duty to Cooperate – Background	7
4 Formal Cooperation Arrangement	8
5 Meetings Held during Local Plan Preparation Period	10
6 Strategic Policy Context and the Duty to Cooperate	14
7 Local Plan Policy Areas and Cross Boundary Cooperation	16
8 Future Areas of Cooperation	21
9 Conclusion	22
10 Appendix 1: Text of signed Memorandum of Understanding between London Legacy Development Corporation and the Boroughs	23

# 1. Introduction

## The Local Plan

- 1.1 The Legacy Development Corporation became the Local Planning Authority for its area on 1st October 2012. As a result it is required to prepare a Local Plan, which when adopted will become the statutory development plan for its area, and set out the policies and proposals that will be used to guide and determine applications for development.
- 1.2 The National Planning Policy Framework, 2012 (NPPF) requires that local planning authorities set out the priorities for their area including policies to deliver:
  - The homes and jobs needed in the area;
  - The provision of retail, leisure and other commercial development;
  - The provision of infrastructure for transport, telecommunications, waste management, water supply, waste water, flood risk and energy;
  - The provision of health, security, community and cultural infrastructure and other local facilities; and
  - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

## Purpose of this Background Paper

- 1.3 The NPPF requires that Local Plans are prepared using a proportionate, adequate, up-to-date and relevant evidence base “about the economic, social and environmental characteristics of the area”.
- 1.4 The Local Plan draws on the content of the plans that were adopted by each of the four Boroughs covering its area prior to 1st October 2012, (Hackney, Newham, Tower Hamlets and Waltham Forest), as well as the evidence underpinning them. The Legacy Corporation has reviewed the approach taken by these, and where necessary, updated the evidence that relates to its area, when preparing its own Local Plan. This paper sets out the approach to the Local Plan in the context of legislative requirements, statutory instruments, national planning policy, strategic policies and strategy set out in the London Plan, and the extant planning policy within the adopted borough plans applying to the Legacy Corporation area.
- 1.5 This background paper is one of several that have been prepared in order to inform and support the preparation of the London Legacy Development Corporation’s Local Plan. It specifically addresses the requirements set out in the Localism Act (2011) and the NPPF for Local Plans to be prepared in a manner that meets the Duty to Cooperate.

## Background to the Legacy Corporation

- 1.6 In February 2012 the Mayor of London announced his formal decision to create a Mayoral Development Corporation to be responsible for the regeneration legacy from the 2012 Olympic Games. The Legacy Corporation came into being on 9th March 2012.
- 1.7 On 1st October 2012, the London Legacy Development Corporation (Planning Functions) Order 2012 came into force giving the Legacy Corporation a range of planning functions that would normally only be available to a Local Planning Authority, including plan making powers.
- 1.8 The Legacy Corporation also has powers which allow it to become a Community Infrastructure Levy (CIL) charging authority. In becoming a Local Planning Authority the Legacy Corporation has subsumed the planning functions of the Olympic Delivery Authority (ODA), the London Thames Gateway Development Corporation and the London Boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest for the land within its area.
- 1.9 The purpose of the Mayoral Development Corporation is: “To promote and deliver physical, social, economic and environmental regeneration in the Olympic Park and surrounding area, in particular by maximising the legacy of the 2012 Olympic and Paralympic Games, by securing high-quality sustainable development and investment, ensuring the long-term success of the facilities and assets within its direct control and supporting and promoting the aim of convergence”.
- 1.10 The Legacy Corporation aims to achieve its goals by:
  - Working in partnership with the Mayor of London and the Greater London Authority, Central Government, the Olympic Host Boroughs, residents in neighbouring local communities, local organisations, businesses and regeneration agencies, and other partners in both the public and private sector, including national and international sporting, cultural and leisure organisations;
  - Leveraging our public assets to attract and secure private investment for the development of the Park; and
  - Setting and maintaining standards for quality of design, construction and urban planning, to ensure a sustainable and enduring legacy for Queen Elizabeth Olympic Park.
- 1.11 Four priority themes have been developed that reflect the purpose of the Legacy Corporation. These are:
  - Promoting convergence and community participation;
  - Championing equalities and inclusion;
  - Ensuring high quality design; and
  - Ensuring environmental sustainability.

## 2. Legislative and Policy Context

### Legislation and Statutory Instruments

- 2.1 The Legacy Corporation's planning related powers and responsibilities are primarily drawn from the following Legislation and Statutory Instruments:
- Town and Country Planning Act 1990 (as amended)
  - Planning and Compulsory Purchase Act 2004 (as amended)
  - The Planning Act 2008 (as amended)
  - Town and Country Planning (Local Planning) (England) Regulations 2012
  - Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) and other statutory instruments made under Part III of the 1990 Act
  - Localism Act 2011
  - London Legacy Development Corporation (Planning Functions) Order 2012
  - The Community Infrastructure Levy Regulations 2010 (as amended)
  - Planning (Listed Buildings and Conservation Areas) Act 1990

### National Planning Policy Framework

- 2.2 The National Planning Policy Framework. Sets out the Government's Planning Policies for England and how it expects these to be applied. The National Planning Policy Framework (NPPF) is a key part of the government's reforms to make the planning system less complex and more accessible and acts as guidance for Local Planning Authorities and decision-takers, both in drawing up plans and making decisions about planning applications.

### London Plan and Supplementary Planning Guidance

- 2.3 The London Plan, 2011, including Revised Early Minor Alterations, 2013 and Draft Further Alterations to the London Plan, 2014 (including the Schedule of Suggested Changes, 2014) and its associated Supplementary Planning Guidance forms the overall strategic plan for London, and sets out an integrated economic, environmental, transport and social framework for the development of the capital to 2036. London borough local plans need to be in general conformity with the London Plan, as its policies guide decisions on planning applications by London Local Planning Authorities and the Mayor.
- 2.4 Supplementary Planning Guidance (SPG) documents provide further detail on particular policies in the London Plan.
- 2.5 Supplementary guidance can be useful where: The level of detail is inappropriate for a development plan, for example development briefs, design guides and master plans for areas of intensive change where there is a need for an urgent policy response to an emerging issue.

- 2.6 Supplementary guidance is used to support statutory development plans, not as an alternative. It cannot be used to make new policies. Statements made in supplementary guidance carry less weight than those in development plans when determining planning applications and appeals, but may still be considerations.
- 2.7 For example, the Mayors 'Olympic Legacy Supplementary Planning Guidance' was published in July 2012 and seeks to supplement and apply London Plan policy for the area that includes the LLDC area at its heart; it sets out the Mayor's strategic priorities and long term vision for the Queen Elizabeth Olympic Park and its surrounding areas.

### **Borough Plans**

- 2.8 These are the adopted planning policy documents that were in place before 1st October 2012 and remain the relevant local planning policy until such time as the Legacy Development Corporation Local Plan is adopted:
- London Borough of Newham Core Strategy (2012)
  - London Borough of Hackney Core Strategy (2010)
  - London Borough of Hackney, Hackney Wick Area Action Plan (2012)
  - London Borough of Tower Hamlets Core Strategy (2010)
  - London Borough of Tower Hamlets, Fish Island Area Action Plan (2012)
  - London Borough of Waltham Forest Core Strategy (2012)
- 2.9 These policy documents have been reviewed and help to inform the policies within the Legacy Corporation's Draft Local Plan.

## 3. Duty to Cooperate - Background

### What is the Duty to Cooperate?

- 3.1 The Planning Practice Guidance gives further details on the duty to cooperate:

*“The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.*

*The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.*

*Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.*

*Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.” (On-line Planning Practice Guidance, [planningportal.gov.uk](http://planningportal.gov.uk), 2014)*

- 3.2 The Legacy Development Corporation as a Local Planning Authority has its role defined by the London Legacy Development Corporation (Planning Functions) Order 2012. This confers all relevant planning powers that would apply to Local Planning Authorities within London, including those relating to plan making. The requirement for Local Plans to be in general conformity with the London Plan applies equally to the Legacy Corporations Local Plan as any borough Local Plan. Within London, the Planning Practice Guidance considers that the extent of any cooperation required will depend on the extent to which strategic issues have been addressed within the London Plan.
- 3.3 The London Plan in this context sets out a range of relevant policy positions, targets and strategies which apply to the Legacy Corporation area. For example, the Further Alterations to the London Plan (2014) set an annualised housing target for the Legacy Corporation area in the same way that it sets a target for each London Borough, providing a strategic approach to housing delivery with which each local plan must conform.
- 3.4 This paper sets out how the Duty to Cooperate has been met during the preparation of the Local Plan to date and how it is envisaged that this approach and some additional measures have been put in place will ensure that the Duty is met in an on-going way.
- 3.5 It should also be noted that the Legacy Corporation in its role as a Local Planning Authority publishes an Authority Monitoring Report annually that reports on activity related to the Duty to Cooperate within that reporting year.

## 4. Formal Cooperation Arrangements

- 4.1 A key element to the function and purpose of the Legacy Corporation is that it exists within the context of being a statutory body that is also the Local Planning Authority and performs this function over an area that includes parts of four different boroughs. The function and purpose of the Legacy Corporation is such that it is not for example the housing authority, highways authority or municipal waste authority for its area. The structure of the organisation at a decision making level and the wider mechanisms that are in place for cooperation between the boroughs and the Legacy Corporation have been and continue to be crucial elements of meeting the Duty to Cooperate.
- 4.2 **The Board and Planning Decisions Committee.** The Legacy Corporation governance structure where this applies to the role of its Board and Committees, provides a specific context in which the four boroughs have political representation and thereby direct involvement in relevant decision making processes. The Legacy Corporation Board includes a Board member appointed by each of the four boroughs. Currently these are the respective mayors and council leader of each. The scheme of delegation for decision making requires that formal planning policy decisions are made by the Board, including approval of documents prepared for consultation and for final adoption decisions. The Planning Decisions Committee has eleven committee members, including two elected councillors appointed by the London Borough of Newham and one each appointed by the London Boroughs of Hackney, Tower Hamlets and Waltham Forest. The formal role of the committee is confined to making decisions in relation to applications for planning permission, conservation area and listed building consent. However, planning policy documents considered in public by the committee, in the form of a formal published report, before the Board considers that report for formal decision making purposes. The views of the Planning Decisions Committee are reported to the Board in each case so that these can be taken into consideration at the time the Board makes its decision. It should also be noted that for each planning policy consultation, Board, Planning Decisions Committee members and elected local ward councillors receive notification of the consultation.
- 4.3 **Memorandum of Understanding (MoU).** In establishing the Legacy Corporation as a Local Planning Authority the interrelationship with the four boroughs and their relevant functions it was agreed that a Memorandum of Understanding (MoU) would formalise working processes and arrangements. The MoU sets out a range of areas for cooperation including the establishment of a Planning Coordination Group and a Planning Policy Forum. The terms of reference for each of these groups is set out within the MoU, including membership and frequency of meetings. The text of the MoU, including the terms of reference for the two groups is included at Appendix 1, which also identifies their formal membership.
- Planning Coordination Group – a senior officer group for discussion of issues relating to planning proposals, planning enforcement, planning policy and CIL /CIL charging matters.
  - Planning Policy Forum – an officer group to facilitate discussion and input to the development of the Legacy Corporation Local Plan, CIL and other planning policy development.



- 4.4 These groups provide a specific and regular focal point for matters to which the duty to cooperate applies, helping to ensure that other more informal cooperative working, coordination and discussion takes place outside of those formal meetings. The MoU has been signed by the Legacy Corporation and also by the London Boroughs of Hackney, Tower Hamlets and Waltham Forest. All four boroughs and the Lee Valley Regional Park Authority regularly attend both the Planning Coordination Group and the Planning Policy Forum.

## 5. Meetings Held During the Local Plan Preparation period

<b>Planning Policy Forum Meetings</b>	
<b>Date of Meeting</b>	<b>Agenda Topic Areas</b>
15 <sup>th</sup> October 2012	Terms of Reference, Local Plan and CIL Programme, Evidence base, Infrastructure Delivery Plan, Development Monitoring
26 <sup>th</sup> November 2012	Local Plan and CIL programme, evidence base, housing targets, Local Plan Vision
28 <sup>th</sup> January 2013	Local Plan SA Scoping, Early engagement consultation, vision and objectives, evidence base, CIL viability, Infrastructure Delivery Plan.
26 <sup>th</sup> February 2013	Local Plan Early engagement consultation, Call for Sites consultation, CIL viability, Infrastructure Delivery Plan, Economy Topic area discussion.
28 <sup>th</sup> March 2013	Local Plan and CIL update, Housing topic area discussion.
22 <sup>nd</sup> April 2013	Local Plan and CIL update, Business and Employment Topic Discussion
10 <sup>th</sup> May 2013	Cofley Energy Network Presentation, Approach to Sustainability in the Local Plan
3 <sup>rd</sup> June 2013	Natural Environment topic workshop
15 <sup>th</sup> July 2013	Transport Workshop
9 <sup>th</sup> September 2013	Draft of Local Plan Consultation Document run through and discussion.
21 <sup>st</sup> October 2013	Approach to Gypsies and Travellers, Waste Planning
2 <sup>nd</sup> December 2013	Local Plan consultation, Gypsies and Travellers, waste planning and sites
20 <sup>th</sup> January 2014	Local Plan consultation period topic discussions: Business, economy & employment; Housing, Historic & Built Environment, Hackney Wick and Fish Island Conservation Areas
17 <sup>th</sup> March 2014	Evidence base studies: Retail Review, Economy Study, Gypsy and Traveller Needs Study
24 <sup>th</sup> April 2014	Initial Draft of Publication Local Plan run through and discussion.
9 <sup>th</sup> June 2014	Publication Local Plan Content, design and mapping, including Proposals Map.
21 <sup>st</sup> July n2014	Publication Local Plan Board Report draft – run through and discussion.

<b>Other Consultative Meetings and Workshops</b>		
<b>Meeting Date</b>	<b>Meeting Title/Participants</b>	<b>Area of Discussion</b>
24 <sup>th</sup> January	Flood Risk – Environment Agency	Flood Risk
14 <sup>th</sup> May 2013	Infrastructure and the Local Plan - London Ambulance Service	Infrastructure
15 <sup>th</sup> January 2014	Technical Stakeholder Meeting: boroughs and other statutory/technical stakeholders with series of topic workshops	Housing, Employment/Economy, Natural Environment, Built Environment and Sustainability, Infrastructure
7 <sup>th</sup> February 2014	Transport Stakeholder Meeting: boroughs and Transport for London	Transport aspects of the Local Plan
3 <sup>rd</sup> March 2014	North London Waste Plan – NLWP borough officers	North London Waste Plan
3 <sup>rd</sup> March 2014	Water Infrastructure: Thames Water	Water infrastructure policies and Abbey Mills
28 <sup>th</sup> April 2014	Publication Local Plan Draft – review meeting with LB Hackney	Review of early draft of Publication Local Plan
28 <sup>th</sup> April 2014	Publication Local Plan Draft – review meeting with LB Waltham Forest	Review of early draft of Publication Local Plan
29 <sup>th</sup> April 2014	Publication Local Plan Draft – review meeting with LB Newham	Review of early draft of Publication Local Plan
1 <sup>st</sup> May 2014	Publication Local Plan Draft – review meeting with LB Tower Hamlets	Review of early draft of Publication Local Plan
18 <sup>th</sup> June 2014	Publication Local Plan Draft – further review meeting with LB Hackney	Further review of draft Publication Local Plan
25 <sup>th</sup> June 2014	Publication Local Plan Draft – further review meeting with LB Hackney	Further review of draft Publication Local Plan
3 <sup>rd</sup> July 2014	Publication Local Plan Draft – further review meeting with Transport for London	Further review of draft Publication Local Plan
31 <sup>st</sup> July	Initial Meeting of Infrastructure Liaison Group (see paragraph 8.2).	Infrastructure and first review of Infrastructure Delivery Plan

5.1 In addition to the formal meetings and workshops identified above, development of Local Plan policy and other content and input to development of the underlying evidence base has been supplemented by on-going informal discussion and communication with relevant prescribed bodies throughout the Plan preparation period. At appropriate points drafts of evidence base studies and other work have been informally shared and commented upon. Data and other evidence material have

also been shared by boroughs and the Greater London Authority, Transport for London and Lee Valley Regional Park Authority for inclusion and input to the evidence base and drafts of the Local Plan.

5.2 The other bodies that are subject to the Duty to Cooperate as prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and include:

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as English Heritage)
- Natural England
- the Mayor of London
- the Civil Aviation Authority
- the Homes and Communities Agency
- each clinical commissioning group established under section 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- the Office of Rail Regulation
- Transport for London
- each Integrated Transport Authority
- each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
- the Marine Management Organisation.

5.3 These bodies are considered to *“play a key role in delivering local aspirations, and cooperation between them and local planning authorities is vital to make Local Plans as effective as possible on strategic cross boundary matters. The bodies should be proportionate in how they do this and tailor the degree of cooperation according to where they can maximise the effectiveness of plans.”* (On-line Planning Practice Guidance, [planningportal.gov.uk](http://planningportal.gov.uk), 2014).

5.4 Each of these bodies have been consulted as a minimum at each formal consultation stage of Local Plan preparation and where relevant have had informal opportunities to input and comment on aspects of the Local Plan approach and wording.

5.5 A separate Consultation Report has been published alongside the Publication version of the Local Plan. This provides an overall picture of formal consultation carried out that has included the prescribed bodies relevant to the Duty to Cooperate and explains how matters raised through consultation have been taken onto account. Appendix 11 of the report 'Stage 2 Consultation Summary and Response Sheet', sets out a detailed summary of the matters raised against each part of the Local Plan, including the vision, policies and site allocations and provides a response to each point identifying how these views have been taken into consideration, any change that has been incorporated into the Local Plan as a result and where in the Publication version of the Local Plan this change or addition is now located. Where any matter raised has not resulted in a change the reason for this is also set out. The prescribed bodies that provided a formal response to the consultation and their consultation references within the report are as follows:

- London Borough of Hackney - LPR18Q2.078

- London Borough of Newham - LPR18Q2.031
- London Borough of Tower Hamlets - LPR18Q2
- London Borough of Waltham Forest - LPR18Q2
- Greater London Authority – LPR182Q.135
- Transport for London - LPR18Q2.115
- Environment Agency - LPR18Q2.113
- English Heritage – LPR18Q.082
- Natural England – LPR18Q.138
- Lee Valley Regional Park Authority – LPR18Q2.073

5.6 It should be noted that in each case matters raised have been discussed further with those bodies, formally or informally, and those discussions have helped to shape the changes and content of policies and site allocations within the Publication version of the Local Plan as detailed above.

## 6. Strategic Policy Context and the Duty to Cooperate

### The London Plan Context

- 6.1 The Strategic context within London provides a framework within which many of the cross-boundary matters that affect the Legacy Corporation area, for example by setting annualised housing targets for each Local Planning Authority in London and providing waste projections that are apportioned to each borough. The London Plan also presents a strategic approach to a range of other policy matters, including the Green Grid and the Blue Ribbon Network, which sets a cross-boundary context for Local Plans.
- 6.2 In July 2012, the Mayor of London published his Olympic Legacy Supplementary Planning Guidance (OLSPG), subsequently endorsed by the four boroughs, who were also involved in the process of preparation of this document. This is a non-statutory Supplementary Planning Guidance document that, in particular provides further guidance to London Plan (2011) Policy 2.4 The 2012 Games and Their Legacy. This policy is updated through the Further Alterations to the London Plan (2014) to reflect the change in focus to the longer term legacy delivery and the creation of the London Legacy Development Corporation, including its preparation of the Local Plan. While the focus of this policy has changed, much of the underlying evidence base for the OLSPG remains relevant and valid, including the related Energy Study and Transport Study. It should be noted that the OLSPG and its related evidence addresses a wider area than the Legacy Corporation area boundary and so helps to set the Local Plan within its immediate context and surroundings.

### Convergence

- 6.3 'Convergence' is a concept that is written into the purpose of the Legacy Corporation and is also cited within Policy 2.4 of the London Plan and the Mayors OLSPG (2012). The concept of 'convergence' was originally defined by the Olympic Host Boroughs within their Strategic Regeneration Framework (2009). The Mayor and Host Boroughs agreed a restructuring of the Convergence Objectives in 2011 and subsequently the Host Boroughs have been redefined as the "Growth Boroughs" and expanded to now include the London Boroughs of Barking and Dagenham and Greenwich in addition to Hackney, Newham, Tower Hamlets and Waltham Forest. Convergence is essentially the term used to denote the ambition that over the 20 years from 2012 that the residents in these boroughs will achieve the London average expected in successful communities.
- 6.4 The action plan that derives from the Strategic Regeneration Framework has focused on the period through to 2015. However, the longer-term focus provided by the convergence objectives filters through to the wider plans and actions of the boroughs and the Mayor of London, including the activity and plans of the Legacy Development Corporation. In particular the opportunities provided to support economic and business growth leading to the creation of new jobs and the building of significant numbers of new homes are key themes that are drawn out through the Legacy Corporation Local Plan and have the potential to meet identified need within these boroughs and for London as a whole. However, it should be noted that the geographically constrained area of the Legacy Corporation Boundary, while a crucial

part of this, will by definition be one part of a wider picture within which the ambitions of convergence will be progressed. It will not meet all identified need but rather the Local Plan seeks to strike a balance in its strategy and policies that will help to focus its role on delivering those things that will help to drive the wider change sought.

## 7. Local Plan Policy Areas and Cross boundary Cooperation

### Housing

- 7.1 The Housing Background Paper sets out in detail how the Local Plan meets the requirements of need and growth in general. In relation to the Duty to Cooperate, the nature of the Legacy Corporation area with approximately 5,000 existing household and a capacity for approximately 24,000 new households, it is clear that the nature of the area is one that has the potential to meet housing needs significantly above those that will be generated by its existing population. The London SHLAA identifies housing figures for each of the boroughs which include the Legacy Corporation area. It presents these for each borough both with and without the Legacy Corporation area figure. This helps to highlight the way in which the Legacy Corporation and the Local Plan are planning to meet the housing needs and requirements of each borough within its area. The Housing Background Paper that forms a part of this supporting series of documents also sets out how the housing mix policy within the Local Plan has been determined in the light of borough requirements.

### Economic growth

- 7.2 As with housing need, the level of economic growth promoted within the Local Plan, including particular policy designations and the balance and types of uses sought in particular locations and sites, reflects the wider strategic policies that denote the role of the Legacy Corporation area as a source of employment and business growth which should have significance for east London and London as a whole. The provision therefore has the potential to meet employment need and economic /business demand generated from an area far beyond the Legacy Corporation's physical boundaries. The 'Developing Business Growth, Jobs and Lifelong Learning' Background Paper provides further information on the approach taken within the Local Plan and the evidence that underlies this.

### Infrastructure planning and delivery

- 7.3 An Infrastructure Study and initial Infrastructure Delivery Plan (IDP) was prepared for the Legacy Corporation in May 2013 and subsequently published to support the consultations on and development of the Local Plan and the Community Infrastructure Levy. The IDP was prepared through a process of review of the existing borough infrastructure delivery plans and the extensive range of other information available at the time, including infrastructure assessments from recent very large approved planning applications, such as that for the Legacy Communities Scheme) and studies carried out by the Greater London Authority and Transport for London to support the Mayor's Olympic Legacy Supplementary Planning Guidance (2012) (OLSPG), including for example an Energy Study and a Transport Study. These supporting documents and the OLSPG were developed with significant input from each of the boroughs. The consultants preparing the IDP also engaged with boroughs and infrastructure providers in preparing the document. Ensuring that this identified an accurate level of infrastructure need, cost and funding gaps at that point in time.
- 7.4 The underlying conclusions and the identified infrastructure need listed in this remain relevant to the type and amount of development proposed within the Local Plan. However, it is recognised that while the underlying infrastructure requirements will



remain appropriate, the particular detail of infrastructure needs and projects will change over time and will therefore require updating. It is also recognised that meeting infrastructure needs will be, at least in some cases, a cross boundary matter and that provision of infrastructure will require coordination with neighbouring Local Planning Authorities. To accommodate this, an annual Infrastructure Delivery Plan review has been built into the Local Plan and CIL programmes. This will include consultation and, where appropriate coordination with the four boroughs and, where necessary other authorities and infrastructure providers. The process allows new projects to be added and delivered or redundant projects to be removed. An Infrastructure Delivery Group with a membership of the four boroughs and Transport for London is being established to aid coordination of this process in time for the first annual IDP review which is programmed for the autumn of 2014.

- 7.5 The IDP review process requires infrastructure providers to complete and return new project proposals forms. Each year infrastructure providers will be consulted, triggering the submission of new project proposals. Based on this consultation and returned proposals a revised IDP list will be prepared and will accompany the annual Authorities Monitoring Report in order to seek the approval of the Legacy Corporation Board for the revised IDP list. The CIL Regulation 123 list would be reviewed and updated where necessary alongside this.
- 7.6 A related process exists for allocation of existing pooled Section 106 funds, in particular for those funds pooled under the London Thames Gateway Development Corporation Planning Obligations Strategy from schemes that are now within the Legacy Corporation area. This process will also apply to allocation of CIL funds once a Legacy Corporation CIL is in place. Bids for funding from these sources are available for projects that are either located within the Legacy Corporation area or will serve development within it. Bids will only be able to relate to those projects that are identified in the most up to date IDP list agreed by the Legacy Corporation Board and so have been subject to the project/IDP consultation process. However, infrastructure providers, including the four boroughs can bid for funds using this process. Applications for allocation of funding based on the approved IDP list have been delegated to a senior officer group by the Legacy Corporation Board.
- 7.7 The IDP review and funding allocation process provide a clear and auditable process for infrastructure delivery. The Infrastructure Delivery Group also provides a forum for wider coordination and liaison for example where cross-boundary coordination of differing infrastructure provision will help maximise opportunity for delivery and avoid duplication.

## **Waste**

- 7.8 The London Plan sets out an overall strategy for waste within Greater London which draws on the Mayor's Waste Strategies and apportions waste projections to each London borough. Specifically the approach is set out within London Plan Policy 5.16 Waste Self-sufficiency and Policy 5.17 Waste Capacity, supplemented by Table 5.2 Municipal and commercial/industrial waste projections at borough level. The proposed modifications to the Further Alteration to the London Plan (2014) define the apportioned waste as municipal waste. Municipal waste remains the responsibility of the four boroughs within their respective areas of the Legacy Corporation area. London Boroughs of Hackney and Waltham Forest are members of the North London Boroughs Waste Group, London Borough of Newham is a part of the East London Waste Authority boroughs group, while London Borough of Tower Hamlets acts independently as a waste authority.

- 7.9 The role of the Legacy Corporation in this respect is purely that of Local Planning Authority. Current planning policy in respect to waste matters is contained within the most recently adopted Development Plan Documents before 1st October 2012. These are the Core Strategies of the four boroughs, the Fish Island Area Action Plan, the Hackney Wick Area Action Plan and the East London Waste Authority boroughs Joint Waste Development Plan as it applies to the London Borough of Newham. It should also be noted that the London Plan, while it includes a waste projection apportioned to each borough, does not apportion this to the Legacy Development Corporation area, reflecting the lack of a statutory responsibility for waste disposal.
- 7.10 Given this context, the Legacy Corporation Local Plan within Policy IN.2 Planning for Waste, sets out the principles for cooperation with the four boroughs in respect of their waste authority roles and consequent implications for waste planning, to ensure that the existing waste plans and waste planning policy remain a factor when considering proposals for development, or where new or revised policy and plans are brought forward to also take these into account. The remaining parts of the policy (Bullets 4-6) set out the development management requirements for development that would result in the loss of an existing waste site and for proposals for new waste management facilities. In essence, the policy seeks to protect existing capacity of waste sites within the Legacy Corporation area and identify in principle the type of location, by employment use designation that new facilities might be acceptably brought forward within along with the criteria that such proposals would need to meet. While no specific proposals or evidence of need for new waste management sites specifically within the Legacy Corporation area is identified within the existing adopted planning policy, the Local Plan policy does within the scope of the Policy IN.2 identify the broad locations where new facilities or sites would be acceptable should boroughs or other waste providers bring forward proposals or locations require identification through future cooperative working. To date, input has been received to the wording of Policy IN.2 from the North London Waste Plan Group, with wording changes substantially incorporated in the final text to take account of the approach to cooperation that is being developed. Informal cooperation has also taken place between officers in each authority in discussing and providing evidence in relation to sites within the Legacy Corporation to enable this to be taken into account within the work on the North London Waste Plan.
- 7.11 The framework for the cooperation required in the context of waste planning is that which has been set out and agreed within the Memorandum of Understanding. This allows for early discussion of issues that might arise should a specific borough or borough grouping propose to revise its waste plan/waste planning policies. It also sets out arrangements for coordination of input to proposals for development that might have an impact on borough responsibilities for municipal waste or the London Plan waste apportionment figure.
- 7.12 There are currently no proposals for new waste facilities or sites within the Legacy Corporation area and no proposal by either Tower Hamlets or Newham to revise or change their existing policy or site approach to waste management or disposal at this time. Neither borough has raised issue with the policy approach in Policy IN.2 during the engagement processes outlined at Section 5 of this Background Paper and specific formalisation of cooperation arrangements for waste have not been identified as requiring additional formal cooperation arrangements at this stage. The North London Waste Plan Group to which Hackney and Waltham Forest belong, are at the early stages of preparation of a joint waste plan. Given the approach within the Local Plan Policy IN.2, the North London Waste Plan Group and Legacy Corporation are seeking to formalise arrangements for cooperation during this process. These will initially be based on the existing provision of the MoU but would either be

supplemented by the specific scoping of cooperation arrangements in a supplementary exchange of letters or the use of a separate and specific MoU if considered necessary.

## **Gypsies and Travellers**

- 7.13 The Housing Background Paper sets out the detail of matters relating to gypsy and traveller needs and site assessment and how the Local Plan addresses these. In carrying out a Gypsy and Traveller Needs Assessment and associated Site Assessment to inform the development of the Local Plan policies and site allocations, it should be noted that these matters were initially discussed with the four boroughs at Planning Policy Forum meetings (see section 5 of this Background Paper) and that where appropriate followed up with specific individual discussions. In carrying out the studies the consultants also engaged with borough planning officers and the housing or other officers responsible for Gypsy and Traveller liaison ensuring that, where possible, the studies included the most up to date borough information and input available.
- 7.14 The existing Traveller site at St Anthony's Close and Palace Close, Wallis Road, Hackney Wick, was identified as a site allocation within the Local Plan Consultation Document (December 2013) as it had a temporary planning consent for a total of five pitches. General liaison between London Borough of Hackney officers and the Legacy Corporation has resulted in a subsequent planning application to make this site permanent. As permission has now been granted, the site allocation was removed from the plan and the policy adjusted to include a requirement to safeguard existing sites and provision.
- 7.15 It should be noted that there are two specific areas that require addressing through the Duty to Cooperate. The first of these is the fact that the Local Plan identifies a site allocation that has the potential to meet the needs for up to nine new pitches but identifies a baseline need for 10 within the Plan period. This will require existing cooperation arrangements to be utilised to seek to meet the identified need and where opportunities to support delivery are identified to seek to agree an approach to joint working where this is appropriate. Each of the four boroughs was approached at the outset of the evidence base process to explore the potential for joint working on this matter. No borough was in a position to do so given that either they have recently adopted planning policy on this matter or have a Local Plan programme at a significant variance in time to the Legacy Corporation Local Plan. Therefore, the Legacy Corporation will need to work with each borough to a relevant degree once they have reached a relevant point of review for their Local Plan, to ensure that the options and solutions for meeting that projected need is met in a way that is appropriate to the borough in question.
- 7.16 The second relates to the proposed designation of the Bartrip Street site in Hackney Wick (Site Allocation SA1.9). Specific discussion has already taken place with London Borough of Hackney and Transport for London in order to propose the designation. This will require further specific cooperative working with both parties in order to investigate options available for delivery of a travellers' site in this location. The arrangements that will be used for progressing this are contained within the established Memorandum of Understanding. These discussions will be progressed as the Local Plan progresses through to Examination and adoption.
- 7.17 The overall approach also takes into account the statutory housing responsibilities that continue to sit with each of the four boroughs rather than with the Legacy

Development Corporation which, in this instance, has only the statutory powers and responsibilities of the Local Planning Authority.

### **Stratford Town Centre**

- 7.18 The Stratford Town Centre boundary identified in the Newham Core Strategy (2012) crosses the boundary between the Legacy Corporation and Newham planning authority area, with the majority of the existing town centre area falling outside of the Legacy Corporation area. The Legacy Corporation Local Plan identifies an extension to the town centre boundary to encompass the area of Westfield Stratford City and The International Quarter, with the extension being reinforced by the proposed SA3.1 Stratford Town Centre West Site Allocation. The strategy in the Local Plan is the extension of the Town Centre and its resulting designation as a Metropolitan Centre in accordance with the London Plan and the Newham Core Strategy approach. The key issue to be addressed being the achievement of a coherent and integrated town centre. This approach has been discussed with London Borough of Newham throughout the Plan development process as detailed at Section 5 of this Background Paper. It should also be noted that the Retail and Leisure Study (2014) that provided up to date evidence for the Local Plan recommends that a proportion of the projected new floorspace requirement that derives from projected demand in the Legacy Corporation area is allocated to the existing town centre outside of the Legacy Corporation boundary, reinforcing this strategy.

## 8. Future areas of cooperation

- 8.1 The Local Plan identifies the potential for preparation of three area based Supplementary Planning Documents which would cover areas of land at Hackney Wick, Pudding Mill and Bromley-by-Bow respectively. These will be prepared in cooperation of the boroughs to which they are relevant using the established working arrangements outlined earlier in this paper.
- 8.2 The Legacy Corporation has established a process of annual review for its infrastructure delivery plan and CIL Regulation 123 list. While this includes a general consultative process with infrastructure providers, an Infrastructure Liaison Group with membership of the Legacy Corporation, the four boroughs and TfL is being established which will provide a forum for input into the annual infrastructure review and also wider coordination of each authorities planning for and provision of infrastructure. This group is being established prior to the first review of the IDP which will be carried out during the autumn of 2014 and an initial meeting held on 31st July 2014.

## 9. Conclusion

- 9.1 Given the intrinsic nature of the Legacy Corporation and its prescribed function, structure and remit and the structures in place to facilitate cooperation between it and its surrounding local planning authorities, it is considered that robust mechanisms have been put in place which have ensured that the Duty to Cooperate has been met in the development of the Local Plan and that these arrangements will aid on-going cooperation in the implementation of the Local Plan. Where specific areas of policy within the Local Plan require cross-boundary cooperation in addition to the strategic context of policy, targets and apportionments within the London Plan, these have been specifically addressed within the policies and approach to these within the Local Plan and where there is an element of reliance on future revisions to existing or preparation of new Local Plans by adjoin Local Planning Authorities, specific mechanisms have been put in place to ensure that these matters are addressed at that time. The Legacy Corporation is therefore satisfied that it has met the requirements of the Duty to Cooperate in accordance with the provisions of the Localism Act and National Planning Policy Framework.

# Appendix 1: Text of signed Memorandum of Understanding between London Legacy Development Corporation and the Boroughs

## CONTENTS

1	DEFINITIONS	25
2	THE PARTIES	27
3	COMMENCEMENT AND LEGAL EFFECT	27
4	DUTY TO COOPERATE AND PRINCIPLES OF WORKING IN PARTNERSHIP	27
5	LOCAL LAND CHARGES AND OTHER INFORMATION	27
6	LOCAL LAND AND PROPERTY GAZETTER	29
7	PLANNING HISTORY	29
8	CONSULTATION AND NOTIFICATION	30
9	PREPARATION OF LOCAL PLANS	32
10	GENERAL COOPERATION	32
11	REGENERATION PROJECTS ON BOROUGH OWNED LAND	34
	SCHEDULE 1 - DETAILS REQUIRED TO BE PROVIDED FOR LOCAL LAND CHARGES	35
	SCHEDULE 2 - CONTACT DETAILS FOR THE LLDC AND THE BOROUGHS	36
	SCHEDULE 3 – TERMS OF REFERENCE FOR THE PLANNING POLICY FORUM AND THE PLANNING COORDINATION GROUP	37

**BETWEEN:-**

- (1) **THE LONDON LEGACY DEVELOPMENT CORPORATION** of Level 10, 1 Stratford Place, Montfichet Road, London, E20 1EJ ("**LLDC**");
- (2) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HACKNEY** of Town Hall Mare Street London E8 1EA ("**Hackney**");
- (3) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF NEWHAM** of Newham Dockside, 1000 Dockside Road, London E16 2QU ("**Newham**");
- (4) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF TOWER HAMLETS** of Town Hall Mulberry Place 5 Clove Crescent London E14 2BG ("**Tower Hamlets**"); and
- (5) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF WALTHAM FOREST** of Town Hall Forest Road London E17 4JF ("**Waltham Forest**")

**WHEREAS**

- (A) The LLDC has been established by article 3 of the London Legacy Development Corporation (Establishment) Order 2012 and given functions in relation to town and country planning for the Development Area by the Mayor of London pursuant to section 202(8)(b) of the Localism Act 2011 and by the Secretary of State for Communities and Local Government by virtue of the Planning Functions Order.
- (B) The Development Area covers land within four London local authorities namely Hackney, Newham, Tower Hamlets and Waltham Forest.
- (C) On 1 October 2012, the Planning Functions Order came into force and the LLDC became the local planning authority for the Development Area exercising the town and country planning powers set out in the Planning Functions Order.
- (D) The LLDC is not designated as the registering authority for the Development Area and the responsibility for registering local land charges under the Local Land Charges Act 1975 remains with the Boroughs.
- (E) The LLDC and the Boroughs have a duty to cooperate on planning issues under section 110 of the Localism Act 2011 and as set out in the National Planning Policy Framework 2012 (principally paragraphs 178-181) in order to maximise the benefits of working together to achieve sustainable regeneration of the Development Area. The LLDC and the Boroughs are therefore entering into this Memorandum of Understanding as a commitment to the duty to cooperate under the Localism Act 2011 and in order to facilitate general co-operation between the parties with respect to:
  1. the registration of local land charges;
  2. the creation of addresses;
  3. pre-application engagement on major applications;
  4. processing of planning applications;
  5. consultation on, and publicity of, planning applications;
  6. consultation on, and development of, planning policy;



7. Local Plans and the preparation of Local Plans including:
  - 7.1 development plan documents;
  - 7.2 supplementary planning documents; and
  - 7.3 statements of community involvement;
8. interim planning policy statements including the preparation of interim planning policy statements ;
9. CIL Charging Schedules including the preparation of and amendment of CIL Charging Schedules;
10. masterplans including the preparation of and amendment of masterplans;
11. Neighbourhood Development Plans including the preparation of, amendment of, and revocation of Neighbourhood Development Plans;
12. Qualifying Bodies including the formation of Qualifying Bodies;
13. Local Development Orders including the preparation of, amendment of, and revocation of Local Development Orders;
14. Community Right to Build Orders including the preparation of, amendment of, and revocation of Community Right to Build Orders;
15. Community Organisations including the formation of Community Organisations;
16. applications for a development consent order under the Planning Act 2008;
17. planning appeals;
18. planning enforcement;
19. regeneration projects;
20. the sharing of planning information and appropriate input into all of the above (including sharing of relevant evidence base and other material and research including background data and GIS mapping information).

**IT IS AGREED** as follows:-

1. **DEFINITIONS**

1.1 In this Memorandum of Understanding:-

- |                                 |   |
|---------------------------------|---|
| <b>"1975 Act"</b>               | means the Local Land Charges Act 1975;  |
| <b>"Boroughs" and "Borough"</b> | means Hackney, Newham, Tower Hamlets and Waltham Forest collectively or singly as appropriate;                        |
| <b>"CIL Charging Schedule"</b>  | means a community infrastructure levy charging schedule as required pursuant to section 211 of the Planning Act 2008; |

<b>"Community Organisation"</b>	has the meaning given in Schedule 4C to the Town and Country Planning Act 1990;
<b>"Community Right to Build Order"</b>	has the meaning given in Schedule 4C to the Town and Country Planning Act 1990;
<b>"Development Area"</b>	means the area of land described as a Mayoral development area and in relation to which a Mayoral development corporation is established, as shown bounded externally by the inside edge of a black line on the map referred to in the London Legacy Development Corporation (Establishment) Order 2012";
<b>"Local Development Order"</b>	means a local development order made pursuant to section 61(A) of the Town and Country Planning Act 1990;
<b>"Local Plan"</b>	means any development plan document for the purposes of section 37(3) of the Planning and Compulsory Purchase Act 2004;
<b>"Memorandum"</b>	means this memorandum of understanding;
<b>"Neighbourhood Development Plan"</b>	has the meaning given in section 38A of the Planning and Compulsory Purchase Act 2004;
<b>"Parties"</b>	means the parties to this Memorandum;
<b>"Planning Coordination Group"</b>	means the Planning Coordination Group that may be established by the LLDC in accordance with the terms of reference contained in Schedule 3
<b>"Planning Functions Order"</b>	means the London Legacy Development Corporation (Planning Functions) Order 2012 statutory instrument number 2167;
<b>"Planning History"</b>	means details of all pre-application discussions all planning applications all reserved matters applications and any enforcement action (actual or otherwise) in respect of a property, including meeting minutes, decision notices, consents, appeals, enforcement notices, applications for planning permission, applications for reserved matters and applications for certificates of lawful use;
<b>"Planning Policy Forum"</b>	means the Planning Policy Forum that may be established by the LLDC in accordance with the terms of reference contained in Schedule 3
<b>"Qualifying Body"</b>	has the meaning given in section 38A of the Planning and Compulsory Purchase Act 2004;
<b>"Strategic Regeneration Framework Convergence Principle"</b>	means the SRF action plan (2011 – 2015) and its three themes: creating wealth and reducing poverty; supporting healthier lifestyles; and developing successful neighbourhoods.

<b>"Supplementary Planning Document"</b>	means a supplementary planning document;
<b>"Working Day"</b>	means a day other than a Saturday or a Sunday or public holiday in England or the period between 24 December and 1 January inclusive

1.2 In this Memorandum, "including" means "including without limitation".

**2. THE PARTIES**

2.1 The LLDC is entering into this Memorandum in its capacity as local planning authority only and references to the LLDC shall be construed as meaning the Planning Policy and Decisions Team within the LLDC;

2.2 The Boroughs are entering into this Memorandum in their capacity as local planning authorities only and references to each of the Boroughs shall include their respective successors to the functions of the local planning authority.

**3. COMMENCEMENT AND LEGAL EFFECT**

3.1 This Memorandum shall commence and be effective upon the date hereof.

3.2 This Memorandum shall continue until such time as the LLDC ceases to be the local planning authority for the Development Area or any part thereof.

3.3 This Memorandum is not intended to be legally binding and nothing in this Memorandum should be construed as conflicting with any agreement or contract involving the Parties or with any statutory or other legal duties of the Parties.

**4. DUTY TO COOPERATE AND PRINCIPLES OF WORKING IN PARTNERSHIP**

4.1 The LLDC and the Boroughs agree to comply with the duty to co-operate principle in accordance with section 110 of the Localism Act 2011.

4.2 This co-operation shall be between the LLDC and the Boroughs and will be focused on achievement of:

4.2.1 the development and regeneration aims of the LLDC; and

4.2.2 the planning, regeneration and other statutory responsibilities or functions of the Boroughs

for the Development Area and those areas surrounding it. This co-operation shall be focused on, but not limited to, the areas identified in Recital (E) to this Memorandum.

4.3 It is agreed between the Parties that the overall objective of this Memorandum and the co-operation provision in clause 4.2 is to assist in achieving the sustainable development and regeneration of the Development Area and its hinterland and to do so in the context of the Strategic Regeneration Framework Convergence Principle.

4.4 One of the principal methods for engagement on strategic planning issues and priorities will be via a Planning Coordination Group and a Planning Policy Forum between the Boroughs and the LLDC.

**5. LOCAL LAND CHARGES AND OTHER INFORMATION**

5.1 In order for the Boroughs to maintain the local land charges register pursuant to the 1975 Act the LLDC will provide to the relevant Borough any document it produces or receives

which falls within any of the descriptions in section 1 of the 1975 Act and is therefore a local land charge.

5.2 The LLDC will provide the relevant Borough with sufficient details to enable a local land charge to be registered and:

5.2.1 in particular it shall provide the information set out in Schedule 1 to this Memorandum for the following (where the following relates to all or part of the Development Area):

- (a) planning applications submitted to the LLDC;
- (b) resolutions and decision notices of the LLDC in relation to planning applications, listed building applications, advertisement applications and other planning consents;
- (c) copies of enforcement, breach of condition and stop notices served by the LLDC;
- (d) resolutions and decisions of the LLDC to instigate enforcement proceedings (including breach of condition notices);
- (e) environmental impact assessment screening and scoping opinions made by the LLDC;
- (f) agreements made by the LLDC under section 106 of the Town and Country Planning Act 1990;
- (g) provisional and confirmed tree preservation orders made by the LLDC;
- (h) agreements made by the LLDC under sections 38 and/or 278 of the Highways Act 1980;
- (i) provisional and confirmed conservation area designations within the Development Area;
- (j) Local Development Orders made by the LLDC;
- (k) compulsory purchase orders affecting any part of the Development Area;
- (l) traffic schemes within the Development Area;
- (m) lists of assets of community value which the Boroughs are required to maintain pursuant to section 87 of the Localism Act 2011;
- (n) liability for community infrastructure levy within the Development Area; and
- (o) any appeal against the LLDC.

5.2.2 shall provide the information to the borough Land Charges officer at the relevant Borough as identified in Schedule 2 to this Memorandum;

5.2.3 shall endeavour to provide the information to the relevant Borough via an electronic transmission and where this is not reasonably practicable it shall deliver the information by fax, courier or in person; and

- 5.2.4 shall endeavour to provide the information to the relevant Borough within five Working Days of the final document being produced released received made or completed, whichever is the most appropriate in the circumstances.
- 5.3 Upon receipt of information from the LLDC pursuant to clause 5.2 the Borough will process the information according to its standard procedures and register the local land charge as soon as reasonably practicable.
- 6. LOCAL LAND AND PROPERTY GAZETTEER**
- 6.1 It is the responsibility of the Boroughs to update the Local Land Property Gazetteer ("**LLPG**"), create new addresses and Unique Property Reference Numbers ("**UPRN**"). The LLDC cannot create a new address or UPRN.
- 6.2 Where the LLDC receives a planning application for a property without an existing address and/or UPRN within one Working Day of registration of such planning application it shall:
- 6.2.1 provide the site plan and any other relevant information to the person at the relevant Borough as identified in Schedule 2 to this Memorandum; and
- 6.2.2 endeavour to provide the site plan to the relevant Borough via an electronic transmission (if practicable in the circumstances) and endeavour to send the site plan as a pdf (portable document format).
- 6.3 Upon receipt of a site plan from the LLDC pursuant to clause 6.2 the Borough will process the information according to its standard procedures and shall provide the required information to the LLDC as soon as reasonably practicable and in any event within five Working Days of receipt of the site plan to ensure the LLDC's consideration of the planning application is not delayed.
- 6.4 Upon receipt of the information from the Borough pursuant to clause 6.3 the LLDC will update its GIS mapping system and input the data into the town planning database.
- 7. PLANNING HISTORY**
- 7.1 Where the LLDC receives a planning application, in order to obtain the Planning History for the relevant property:
- 7.1.1 it shall first endeavour to obtain the Planning History from the relevant Borough's website; and
- 7.1.2 where it is unable to obtain any of the Planning History pursuant to clause 7.1.1 it shall request the Planning History from the person at the relevant Borough identified in Schedule 2 to this Memorandum.
- 7.2 Where a Borough receives a request pursuant to clause 7.1.2 it shall make arrangements with the LLDC to provide the Planning History within a timescale to be agreed between the LLDC and the relevant Borough (but no later than 5 Working Days from the LLDC's request). Where the Planning History is not available, the Borough shall confirm this to the LLDC within 5 Working Days.
- 7.3 The Borough shall provide the Planning History requested pursuant to clause 7.1.2:
- 7.3.1 by electronic transmission; or
- 7.3.2 if delivery by clause 7.3.1 is not practicable, the LLDC will engage a courier to collect the Planning History from the Borough.

7.4 In all cases the use of mail should be avoided wherever possible as this may cause delay in receiving the information.

## 8. CONSULTATION AND NOTIFICATION

### PRE-APPLICATION ENGAGEMENT

8.1 On pre-application engagement, the LLDC will work with the Boroughs to ensure a co-ordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns. Where the LLDC is approached for pre-application comment on a major development proposal within the Development Area (more than 10 dwellings or more than 1,000 sq.m gross floorspace), the LLDC will:

8.1.1 contact the relevant Borough lead officer for pre-application proposals to agree whether the Borough wishes to be involved in pre-application discussions and which Borough technical officers are likely to be involved. The LLDC expects that Borough planning officers will act as the co-ordinator of technical comments on the development proposal unless otherwise advised by the Borough;

8.1.2 confirm to prospective applicants that it supports the involvement of the Borough in discussion of pre-application proposals in order to ensure a co-ordinated and comprehensive approach to pre-application advice;

8.1.3 except where advised to the contrary, provide copies of any submitted pre-application material received from the prospective applicant and invite relevant Borough officers to any pre-application meetings;

8.1.4 where appropriate and except where advised to the contrary, support Borough requests for the payment of its reasonable costs to provide technical advice on pre-application proposals as may be identified by the Borough in its statement of pre-application charges for schemes in the Development Area;

8.1.5 where appropriate and except where advised to the contrary, share any draft Planning Performance Agreement ("**PPA**") in whole or in part (as at the LLDC's discretion);

8.1.6 where appropriate and except where advised to the contrary, share drafts of pre-application advice reports (in whole or in part, as at the LLDC's discretion) to ensure that Borough technical comments have been represented accurately;

8.1.7 where appropriate and except where advised to the contrary, provide a copy of the final pre-application advice report (in whole or in part, as at the LLDC's discretion) to the Borough issued by the LLDC to the prospective applicant.

8.2 The LLDC and the Boroughs will ensure that pre-application proposals for large scale major development (more than 100 dwellings or more than 5,000 sq,m gross floorspace) are presented to the Planning Coordination Group for comment. In addition, there shall be a standing item on the agenda for the Planning Coordination Group meetings which relates to pre-application proposals and under this item Boroughs and the LLDC have the opportunity to discuss strategic planning issues arising from the proposals and use the meeting to escalate any strategic planning concerns which Boroughs consider are not being appropriately or adequately represented by the LLDC in pre-application discussions or in its draft pre-application advice reports.

8.3 The Boroughs will ensure that any large scale major development pre-application proposals which may have an impact on the Development Area will either be tabled for discussion at the Planning Coordination Group or be the subject of discussion with the Director of Planning Policy and Decisions of the LLDC in order to determine how the LLDC can best engage with the Borough and respond to the pre-application proposals.

- 8.4 On pre-application proposals within the Development Area, Boroughs will
- 8.4.1 identify a lead planning officer as a single point of initial contact for all pre-application enquiries. The lead officer will advise the LLDC whether, and if so, the Borough wishes to be involved in pre-application discussions, including which Borough technical officers are likely to be involved;
  - 8.4.2 provide written technical comments to the LLDC on the pre-application proposal in accordance with the programme set out in the LLDC's pre-application charging schedule or other programme as agreed with the LLDC; and
  - 8.4.3 provide comments on any draft PPA and confirm whether the Borough is to be a signatory of the agreement. If the Borough is to be a signatory, the PPA is to be signed in accordance with a timescale to be agreed with the LLDC.

### **Planning Applications**

- 8.5 The LLDC will carry out statutory consultation on planning applications it receives and may carry out further consultation where it considers this appropriate.
- 8.6 When carrying out consultation on a planning application in the Development Area the LLDC shall consult the Borough(s) in whose area the property the subject of the planning application is situated, save in cases or on types of planning application where the Borough(s) has specifically requested not to be consulted by LLDC.
- 8.7 The consultation pursuant to clause 8.5 shall involve:
- 8.7.1 the LLDC sending a paper or electronic copy of all the application documents or a letter with a reference to the online planning register where these documents can be found to the Head of Development Management (or equivalent role) at the relevant Borough(s);
  - 8.7.2 the LLDC specifying in a covering letter with the application documents the capacity in which the Borough(s) is being consulted with (for example as local highways authority);
  - 8.7.3 the LLDC allowing the relevant Borough(s) a minimum of 21 days in which to respond to the consultation; and
  - 8.7.4 the Head of Development Management (or equivalent role) at the relevant Borough(s) coordinating any response on behalf of the Borough and sending it to the LLDC.
- 8.8 **The LLDC acknowledges that for large scale major development the relevant Borough may need to report the application to its own planning committee for comment. In these cases, the LLDC acknowledges that the response period in clause 8.7.3 can be extended and that the period for extension shall be agreed by the relevant case officers at the LLDC and the relevant Borough.**
- 8.9 When carrying out consultation on a planning application in its area the Boroughs shall consult the LLDC where it is considered that the proposal may have an effect on the Development Area or is within a distance from the Development Area which has been previously agreed between the Borough and the LLDC subsequent to this Memorandum of Understanding, save in cases or on types of application where the LLDC has specifically requested not to be consulted by the Borough(s).
- 8.10 The consultation pursuant to clause 8.9 shall involve:

- 8.10.1 the Borough sending a paper or electronic copy of all the application documents or a letter with reference to the online planning register where these documents can be found to the Director of Planning Policy and Decisions of the LLDC;
- 8.10.2 the Borough allowing the LLDC a minimum of 21 days in which to respond to the consultation; and
- 8.10.3 the Director of Planning Policy and Decisions of the LLDC coordinating any response on behalf of the LLDC and sending it to the Borough.

**9. PREPARATION OF LOCAL PLANS, SUPPLEMENTARY PLANNING DOCUMENTS, CIL CHARGING SCHEDULES ETC**

9.1 In the preparation of a Local Plan, Supplementary Planning Document, CIL Charging Schedule or any other planning document, schedule or plan by the LLDC or a Borough, the LLDC and the applicable Borough shall endeavour to cooperate with each other in order to optimise expertise and information and the proper planning of the Development Area and the applicable Borough area, including in relation to the preparation or updating of an evidence base associated with a Local Plan, Supplementary Planning Document or CIL Charging Schedule including collection and analysis of data.

9.2 Unless otherwise legally restricted from doing so, the LLDC and the Boroughs will cooperate in the exchange of data (including electronically held data and GIS mapping data) relating to the evidence base for a Local Plan, Supplementary Planning Document, CIL Charging Schedule or any other planning document, schedule or plan prepared by the LLDC or Borough and any other relevant planning matters. Arrangements for such co-operation should be agreed on a case by case basis. The LLDC and the Boroughs will establish a formal policy officer group to provide a forum for such exchange of information for each member of the group and to manage cooperation in respect of the relevant aspects of their respective Local Plans, Supplementary Planning Documents, CIL Charging Schedules and any other planning document, schedule or plan. The group will meet on a regular agreed timescale, and endeavour to do so at least six times each year.

**10. GENERAL COOPERATION**

**London Development Database**

10.1 Where a Borough has entered into an agreement to complete information returns using the London Development Database, that function shall be carried out by the LLDC for reporting relevant planning permission and development completion information for development control decisions for which it is the local planning authority.

**Conservation Areas**

10.2 Where it is considered appropriate to designate a conservation area within the Development Area, or where it is considered necessary to update a conservation area appraisal for an existing conservation area, the LLDC and the relevant Borough shall cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, each, making relevant resources available as appropriate.

**Listed Buildings**

10.3 Where it is considered appropriate to add a building or structure to the local list, the LLDC and appropriate Borough shall cooperate in that process. Where appropriate, in determining applications for listed building consent, the LLDC and the appropriate Borough shall cooperate in making appropriate expert resources available to advise on matters in relationship to that proposal.

**Planning Appeals**



- 10.4 The LLDC will notify Boroughs of all planning appeals within its Development Area in accordance with statutory regulations and generally encourage the involvement of the relevant Borough in the appeal process. Where it is considered appropriate, the LLDC and the relevant Borough shall cooperate on the preparation of evidence and in making expert resources available to advise, prepare and present evidence in relation to the appeal.

### **Planning Enforcement**

- 10.5 The LLDC will undertake its planning enforcement function in accordance with its Planning Enforcement Plan approved by the LLDC Planning Committee in December 2012 or as reviewed and updated. This states that the LLDC will manage its enforcement function proactively and proportionately, including cooperation with relevant services in the Boroughs to ensure a coordinated approach to enforcement. Where appropriate, the LLDC and the relevant Borough shall cooperate, including making available expert resources, in order to ensure that effective and proportionate enforcement against breaches of planning control takes place. In addition, the LLDC will work proactively with the relevant Boroughs to cooperate on enforcement action where there is a failure to comply with legal obligations pursuant to section 106 of the Town and Country Planning Act 1990, particularly those where the obligations relate directly to payments or infrastructure which is to be passed to the Borough.

### **LIST OF ASSETS OF COMMUNITY VALUE (SECTION 87 OF THE LOCALISM ACT 2011)**

- 10.6 Where the LLDC in its role as a Local Planning Authority receives a request from a third party to include an asset on a borough List of Assets of Community Value, it will refer the request to the appropriate borough for its consideration. Where LLDC itself considers that it is appropriate to add an asset to the borough list, it will write to the relevant borough and request that the asset is added to the list.

### **Section 106 Agreements**

- 10.7 Where the LLDC resolves to approve any application submitted to it subject to the completion of a legal agreement made under section 106 of the Town and Country Planning Act 1990 and other enabling powers and the LLDC requests any of Hackney, Newham, Tower Hamlets and/or Waltham Forest to enter into such agreement, Hackney, Newham, Tower Hamlets and/or Waltham Forest (as applicable) shall enter into such agreement as soon as reasonably practicable.

### **Confidentiality**

- 10.8 Each party undertakes that it shall treat any confidential information provided to it by another party to this Memorandum with the utmost confidentiality and shall not at any time during this Memorandum disclose to any person such confidential information except as permitted by clause 10.9.
- 10.9 Each party may disclose confidential information provided to it by another party:
- 10.9.1 to its employees, officers, representatives or advisers who need to know such information for the purposes of carrying out the party's obligations under this Memorandum. Each party shall ensure that its employees, officers, representatives or advisers to whom it discloses the other party's confidential information comply with clauses 10.8 and 10.9; and
  - 10.9.2 as may be required by law, a court of competent jurisdiction or any governmental or regulatory authority.
- 10.10 No party shall use any other party's confidential information for any purpose other than to perform its obligations under this Memorandum.

11. **REGENERATION PROJECTS ON BOROUGH OWNED LAND**

Where a Borough holds a substantial interest in land in the Development Area which has been identified by the LLDC or the Borough for development or regeneration, the LLDC and the Borough will enter into a protocol which shall establish governance arrangements and facilitate practical working arrangements between the LLDC and the Borough in relation to town and country planning matters, including any PPAs. Details of such protocol arrangements should be agreed on a case by case basis.

12. **MONITORING**

12.1 In order to monitor the progress and effectiveness of this Memorandum, the Planning Coordination Group and the Planning Policy Forum, the LLDC shall review this Memorandum and the Planning Coordination Group and the Planning Policy Forum every three years from the date of this Memorandum. If, following this review, modifications to this Memorandum and/or to the Planning Coordination Group and/or to the Planning Policy Forum are recommended by the LLDC, the Parties to this Memorandum shall use reasonable endeavours to agree such recommendations and modify this Memorandum accordingly.

12.2 The LLDC shall prepare an annual monitoring report on the effectiveness of the arrangements on cooperation and consultation of the MoU, the Planning Coordination Group and the Planning Policy Forum and will be circulated to all Parties. These annual reports will be reported to the LLDC Planning Committee and will include recommendations for actions if necessary. These actions in the annual reviews will then inform the 3 year review of the MoU. The start date for the annual review is to be from the signing of the MoU as per paragraph 13.1.

## **SCHEDULE 1**

### **DETAILS REQUIRED TO BE PROVIDED FOR LOCAL LAND CHARGES**

- 13. Details to be provided for:
  - 13.1 planning applications, listed building, advertisement and other planning consents:
    - 13.1.1 Address of application
    - 13.1.2 Description of application
    - 13.1.3 Name of applicant / agent
    - 13.1.4 LLDC reference number
    - 13.1.5 Date received
    - 13.1.6 Date valid
    - 13.1.7 Application type
  - 13.2 resolutions and decision notices in relation to planning applications:
    - 13.2.1 Copy of decision notice (including reference, date and conditions/reasons for refusal)
    - 13.2.2 Site location plan
  - 13.3 enforcement, breach of condition and stop notices:
    - 13.3.1 Copy of notice
    - 13.3.2 Address of property
    - 13.3.3 LLDC reference number
  - 13.4 environmental impact assessment screening and scoping opinions:
    - 13.4.1 Address of site
    - 13.4.2 Name of applicant
    - 13.4.3 LLDC reference number
    - 13.4.4 LLDC opinion
    - 13.4.5 Date of decision
  - 13.5 agreements made under the Town and Country Planning Act 1990 or the Highways Act 1980:
    - 13.5.1 Address of site
    - 13.5.2 Copy of agreement
  - 13.6 provisional and confirmed tree preservation orders:
    - 13.6.1 Address of site

- 13.6.2 Copy of tree preservation order
- 13.6.3 Date of expiry of provisional tree preservation order
- 13.7 appeals made in relation to any decision of the LLDC in relation to planning:
  - 13.7.1 PINS reference number
  - 13.7.2 Notice of appeal
  - 13.7.3 Copy of PINS decision
- 13.8 provisional and confirmed conservation area ("**CA**") designations and Local Development Orders ("**LDO**"):
  - 13.8.1 Address of Site
  - 13.8.2 Copy of consultation draft CA designation or LDO
  - 13.8.3 Copy of final CA designation or LDO
- 13.9 compulsory purchase orders:
  - 13.9.1 Address of site
  - 13.9.2 Copy of the draft compulsory purchase order
  - 13.9.3 Copy of the made compulsory purchase order
- 13.10 traffic schemes
  - 13.10.1 [Address of Site
  - 13.10.2 Detail of works
  - 13.10.3 Copy of decision notice (including reference, date and conditions/reasons for refusal)
- 13.11 provision of information in relation to community infrastructure levy:
  - 13.11.1 Copy of liability notice
  - 13.11.2 Copy of demand notice
  - 13.11.3 Receipt issued following satisfaction of demand notice

**CONTACT DETAILS FOR THE LLDC AND THE BOROUGHs<sup>1</sup>**

<b>LLDC</b>	
<b>Head of Development Management (or equivalent)</b>	
<b>Land Charges</b>	
<b>UPRN Contact</b>	
<b>Hackney</b>	
<b>Head of Development Management (or equivalent)</b>	
<b>Land Charges</b>	
<b>UPRN Contact</b>	
<b>Newham</b>	
<b>Head of Development Management (or equivalent)</b>	
<b>Land Charges</b>	
<b>UPRN Contact</b>	
<b>Tower Hamlets</b>	
<b>Head of Development Management (or equivalent)</b>	
<b>Land Charges</b>	
<b>UPRN Contact</b>	
<b>Waltham Forest</b>	
<b>Head of Development Management (or equivalent)</b>	
<b>Land Charges</b>	
<b>UPRN Contact</b>	

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## 14. **PLANNING POLICY FORUM**

### 14.1 **Background**

- 14.1.1 The LLDC, from 1 October 2012, has become the local planning authority for the Development Area. Its powers include those for plan making and it is also able to prepare a CIL Charging Schedule for its area. The LLDC therefore intends to prepare a Local Plan and a CIL Charging Schedule.
- 14.1.2 The Development Area is currently covered by a range of adopted planning policy documents, with each Borough having an adopted core strategy, while area action plans have been adopted for both Hackney Wick and Fish Island. A range of relevant evidence base material exists that results from this associated plan making activity and is applicable to plan making within the Development Area.
- 14.1.3 Section 110 of the Localism Act 2011 introduced the duty to cooperate which applies to public bodies which include the LLDC and the Boroughs. This provides a formal legal basis for cooperation during the plan making and CIL Charging Schedule processes.
- 14.1.4 The Planning Policy Forum is a group representing the relevant plan making authorities and the local authorities within the Development Area with the purpose of providing a forum for cooperation in respect of the Development Area's Local Plan and CIL Charging Schedule and other matters related to the LLDC's plan making function.
- 14.1.5 While it is the general intention of the Parties represented at the Planning Policy Forum meetings to facilitate that cooperation and to achieve agreement on relevant matters, it is recognised that occasions may arise when cooperation cannot result in agreement. Where possible, however, the Parties represented are committed to resolving matters that arise and will use discussion at the Planning Policy Forum meeting to do so where this is appropriate.

### 14.2 **Purpose of the Planning Policy Forum**

- 14.2.1 The purpose of the Planning Policy Forum is to:
- (a) facilitate discussion and input to the development of the LLDC's Local Plan and any other relevant planning policy matters;
  - (b) facilitate discussion on matters relating to the LLDC's CIL Charging Schedule development and implementation;
  - (c) facilitate discussion in relation to evidence base for the LLDC's Local Plan, CIL Charging Schedule and any other relevant planning policy matter;
  - (d) enable provision of updates from all parties represented on programme and content of relevant planning policy work;
  - (e) facilitate discussion on coordination of policy matters where relevant to local planning authority cross boundary issues;
  - (f) facilitate discussion on cooperation in respect of matters relating to monitoring and reporting for policy, plans and development activity where

this is required and where this is necessary to fulfil the relevant obligations of the authorities represented.

#### 14.3 **Frequency**

It is intended that the Planning Policy Forum meets approximately once every six weeks during the LLDC's Local Plan preparation period, unless agreed otherwise at a meeting of the Forum.

#### 14.4 **Membership**

14.4.1 The membership of the Forum will comprise representatives of the following authorities who are in a position to represent their authority for the matters relating to the terms of reference:

- (a) London Borough of Hackney
- (b) London Borough of Newham
- (c) London Borough of Tower Hamlets
- (d) London Borough of Waltham Forest
- (e) Greater London Authority
- (f) London Legacy Development Corporation
- (g) Lee Valley Regional Park Authority

#### 14.5 **Meeting Organisation and Recording**

A regular programme of meeting dates will be agreed in advance. Where additional meetings are required, notification of meetings, or of changes to meeting dates will be no less than one week in advance. An agenda for each meeting will be circulated at least one week in advance of each meeting. A note of the previous meeting will be circulated with any agenda.

### 15. **PLANNING COORDINATION GROUP**

#### 15.1 **Purpose**

15.1.1 To act as a senior office group for discussion of issues relating to planning proposals within the Development Area and the surrounding environs including pre-application proposals, planning applications and planning enforcement and Local Plan/CIL Charging Schedule.

- 15.1.2 To advise and seek resolution of any matters of dispute between the participating parties in relation to planning issues.
- 15.1.3 To advise the LLDC's Director of Planning Policy and Decisions on the positions of each of the parties relating to planning proposals within the Development Area and the surrounding environs including pre-application proposals, planning applications and planning enforcement and Local Plan/CIL Charging Schedule.
- 15.1.4 To receive presentations from prospective applicants.
- 15.1.5 The Planning Coordination Group is a consultative rather than an executive body, and will operate in an open and transparent manner. It may not bind any of the participating parties, which will be free to determine their own comments and positions on planning issues while taking account of the Planning Coordination Group discussions. Nonetheless, the expectation is that participating parties will support positions that the Planning Coordination Group has agreed wherever possible.

## 15.2 **Frequency of Meetings:**

Meetings of the Planning Coordination Group will be held at least once every two months and will be chaired by the LLDC Director of Planning Policy and Decisions or nominated representative.

## 15.3 **Membership**

15.3.1 The membership of the Group will comprise representatives of the following authorities who are in a position to represent their authority for the matters relating to the terms of reference:



- (a) London Borough of Hackney
- (b) London Borough of Newham
- (c) London Borough of Tower Hamlets
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- (e) Greater London Authority
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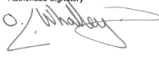
## 15.4 Meeting Organisation and Recording

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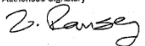

### Signatory Pages:

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Authorised Signatory	)
	)
Signed on behalf of THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HACKNEY by	)
Authorised Signatory	)
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Signed on behalf of THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF NEWHAM by	)
Authorised Signatory	)
Signed on behalf of THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF TOWER HAMLETS by	)
Authorised Signatory	)
Signed on behalf of THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF WALTHAM FOREST by	)
Authorised Signatory	)

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Authorised Signatory	)

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