

**Subject:** Local Plan, Local Development Scheme  
**Agenda Item:** Public item 9  
**Report No:** 6  
**Meeting date:** 15/10/2012  
**Report to:** Board  
**Report of:** Vivienne Ramsey, Director of Planning Policy and Decisions

**FOR DECISION**

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**This report will be considered in public**

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**1. SUMMARY**

- 1.1. This report seeks Board approval for the Legacy Corporation Local Development Scheme, which sets out the programme for the Legacy Corporation Local Plan and its Community Infrastructure Levy Charging Schedule. The provisions of the Planning and Compulsory Purchase Act 2004 (as amended) require local planning authorities to prepare local development documents for their area which must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area. This includes a requirement to prepare a Local Development Scheme (LDS) setting out the local plan documents that it will prepare, the area that will be covered by these documents and the programme for their preparation. It must identify which of the documents are to form part of the statutory development plan for the area (known as "development plan documents" or the Local Plan). The LDS also includes the proposed programme for the preparation of a Community Infrastructure (CIL) Charging Schedule for the Legacy Corporation area which, when adopted, will allow a charge to be levied on all new development (subject to certain legal exemptions) of 100 sq.m or more which must then be applied to fund infrastructure to support the development of its area. Should the Board approve the LDS and the Local Plan and CIL Charging Schedule programmes that it outlines, the document will be published and provide the basis for monitoring the delivery of that programme.

**2. RECOMMENDATIONS**

- 2.1 The Board/ are invited to:
- 2.2 **APPROVE** the Local Development Scheme as attached at **Appendix 1** and the programme for preparation of the Legacy Corporation Local Plan and CIL Charging Schedule that it contains.
- 2.3 **AGREE** that, if approved, the scheme will take effect from the date of the Board approval
- 2.4 **DELGATE** authority to the Director of Planning Policy and Decisions to make minor changes to the document if required.

### 3. TIMING

- 3.1. Agreement to proceed with the Local Plan and Community Infrastructure Levy programme as outlined in this report and attached Local Development Scheme is considered **URGENT** as Board approval is required in order to proceed with preparation work and associated public consultation and in order to meet the envisaged timescales for production and adoption of a Legacy Corporation Local Plan and Community Infrastructure Levy Charging Schedule.

### 4. BACKGROUND

- 4.1. On 1<sup>st</sup> October 2012 the Legacy Corporation became the Local Planning Authority (LPA) for its area, in place of the ODA, London Thames Gateway Development Corporation and the London Boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest. In addition to planning decisions functions, the Localism Act 2011 and the LLDC Planning Functions Order 2012, provide for the Legacy Corporation to be the plan making authority within its area and to be a Community Infrastructure Levy (CIL) charging authority. The Legacy Corporation is, therefore now required to prepare a Local Plan and is able to prepare its own CIL Charging Schedule.
- 4.2. Local Planning Authorities (LPA's) are required to prepare a Local Development Scheme by Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). The Local Development Scheme is essentially a project plan for the Local Plan. Under s15(2) of the 2004 Act it must specify the following:
  - The local development documents which are to be development plan documents;
  - The subject matter and geographical area to which each development plan document is to relate;
  - Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
  - Any matter or area in respect of which the LLDC have agreed (or propose to agree) to the constitution of a joint committee under section 29 of the 2004 Act;
  - The timetable for the preparation and revision of the development plan documents; and
  - Such other matters as may be prescribed. (No additional matters are prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 ("Local Plan Regulations")).

Development plan documents are the specified local development documents which form part of the statutory development plan. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. The Local Plan Regulations refer to development plan documents as "local plans" as this term is more readily understood and this expression is used in this report to denote documents which will form part of the statutory plan.

- 4.3. The draft Local Development Scheme at Appendix 1, sets out this information and for completeness also includes the project plan for the Legacy Corporation CIL Charging Schedule.

#### **The Local Plan**

- 4.4. The Planning and Compulsory Purchase Act 2004 (as amended) requires that local planning authorities prepare local development documents for their area which must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area. Key local

development documents will be the development plan documents which comprise the Local Plan, preparation of which is a statutory requirement. The process that an LPA must follow in preparing a Local Plan is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 ("Local Plan Regulations"). Formal Government guidance on how the plan should be prepared and what it must include is set out in the National Planning Policy Framework (March 2012). The programme and process set out in the draft Local Development Scheme at **Appendix 1**, is designed to meet these requirements.

- 4.5. It is proposed to prepare a single plan that will cover the entire Legacy Corporation area. It is proposed that it will include a spatial vision for the Legacy Corporation area along with supporting objectives, set out strategic policies for the delivery of the vision, including place based policies for the different parts of the Legacy Corporation area, issues based policies for use in the determination of planning applications (where these are necessary and do not duplicate policies in the London Plan), strategic site allocations will be proposed where these are key to delivery of the vision, a delivery and monitoring strategy will also be included to set out how the plan will be delivered and how the performance of the plan will be monitored. The local development documents must be in general conformity with the London Plan.

#### **Relationship to existing borough planning policy**

- 4.6. The Local Plan will be prepared in the context of the London Plan and Mayor of London's recently published Olympic Legacy Supplementary Planning Guidance (July 2011), which provides a strategic context. Of the four boroughs, each have an up to date Core Strategy, while LB Tower Hamlets have recently adopted the Fish Island Area Action Plan and LB Hackney have recently adopted the Hackney Wick Area Action Plan. Together, these provide an existing planning policy baseline which will need to be reviewed and taken into account when developing the Legacy Communities Local Plan which it is intended will present a single coherent vision and strategy for development within the Legacy Corporation area. As a result of the provisions within the LLDC (Planning Functions) Order 2012, these adopted borough planning policy documents remain in place until such time as the Legacy Corporation adopts its own local plan.

#### **Local Plan Consultation**

- 4.7. Consultation and wider engagement is a key principle within the Local Plan Regulations and the Government's NPPF. The principles of consultation and range of consultation methods for the Local Plan are set out in the proposed Statement of Community Involvement, which forms a separate agenda item for consideration by the Board at this Board meeting. The Local Plan preparation will need to commence with a consultation that complies with Regulation 18 of the Local Plan Regulations. To this end, a broad consultation will be undertaken that will seek views on what matters the plan should address. In order to ensure that all potential sites are taken into account in proposing strategic sites and in preparing a local plan evidence base generally, a 'Call for Sites' will be included within the consultation to provide the opportunity for land owners and other parties to identify potential sites. The results of this consultation will be taken into account in developing the draft Local Plan. The stages of Local Plan preparation are set out in more detail in the draft LDS at **Appendix 1**.

#### **Local Plan Programme**

- 4.8. The following programme is proposed for the production of the Local Plan:
- November/December 2012 – notification of preparation of the plan and Regulation 18 consultation
  - September 2013 – informal consultation on the Draft Local Plan

- November/December 2013 – Publication of the draft Local Plan, including six weeks formal consultation)
- February 2014 – submission of the Local Plan to the Secretary of State
- May/June 2014 – Independent Examination of the Local Plan
- October 2014 – Adoption of the Local Plan

### **Other Local Plan Matters**

- 4.9. In preparing the Local Plan, a range of assessments are required to accompany the plan and demonstrate the soundness of the plan and the process of its preparation, which will be considered at the required independent examination. These include a Sustainability Appraisal of the plans policies and proposals, a Habitat Regulations Assessment, a Viability Assessment and a Strategic Environmental Assessment of the Local Plan. It must also be demonstrated at the examination, that the Local Plan is based on up to date evidence. The examiner will also consider whether the Local Plan conforms with the London Plan and whether the new “duty to cooperate” has been complied with. Where necessary, external consultancy services will be employed to carry out these assessments and any evidence base studies that will be required to demonstrate the soundness of the plan.

### **Community Infrastructure Levy Background**

- 4.10. Community Infrastructure Levy (CIL) is a ‘per square metre’ levy on development that can be charged by a local planning authority once they have prepared and adopted a CIL Charging Schedule. This has to be the subject of public consultation and an independent examination. Provisions within the Localism Act allow Mayoral Development Corporations to become CIL charging authorities.
- CIL can be charged on new development subject to certain exceptions and exemptions
  - To charge a CIL an authority must publish a preliminary draft and draft Charging Schedule setting out the rates that are proposed to be charged on development within its area. Either a single flat rate or differential rates may be set according to geographical area or by use type but must be supported by appropriate viability evidence.
  - The CIL Charging Schedule must be evidence based and must be based on evidence of economic viability across the authority area. An economic viability study will be carried out as part of the LLDC CIL preparation work.
  - The CIL Charging Schedule (and supporting evidence) must be subjected to an examination in public. The independent examiner can approve, reject or approve with specified modifications the proposed charging schedule.
  - Preparation of the CIL Charging Schedule must include public consultation and specifically ensure that landowners, developers and businesses have the opportunity to be involved in that consultation process.
  - Discretionary charitable relief for charitable institutions, exceptional circumstances relief and social housing relief are available in relation to CIL. Charitable and social housing relief can be recovered if the relief is subsequently disqualified (in accordance with the CIL Regulations 2010).

- Land instead of monies can be received as a payment in kind for all or part of the CIL charge provided an agreement is entered into before commencement of the chargeable development. The land must be used to provide or facilitate (in any way) the provision of infrastructure to support the development of the charging authority's area. It is not possible for a developer to directly provide infrastructure as a payment in kind. Monies raised from the CIL can be spent in delivering infrastructure to support the delivery of the development planned within the Local Planning Authority area.

4.11. From 6 April 2014 the CIL Regulations restrict the ability for local planning authorities to raise general pooled funding for development through S106 Agreements. It is therefore proposed to have an adopted LLDC CIL in operation by 6 April 2014.

#### **Legacy Corporation CIL Programme**

4.12. The following programme is proposed for the Legacy Corporation CIL:

- October – March 2012/13 – Evidence gathering and early stakeholder consultation, including preparation of an Infrastructure Delivery Plan
- April 2013 – Consultation on Preliminary Draft Charging Schedule
- July – August 2013 - Consultation on Draft Charging Schedule
- October 2013 – Submission of Draft Charging Schedule to Secretary of State
- December 2013/January 2014 – Independent Examination
- March/April 2014 – Adoption of CIL Charging Schedule

#### **Infrastructure Delivery Plan**

4.13. The preparation of an Infrastructure Delivery Plan is required as part of the underlying evidence base for both the Local Plan and for the CIL Charging Schedule. In the case of the latter, this is required to demonstrate the level of need for new infrastructure to support the level of development that is proposed in the development plan. It is proposed to prepare an Infrastructure Delivery Plan to identify projects that meet this requirement and are considered necessary and can be demonstrated as being deliverable.

#### **Statement of Community Involvement**

4.14. The Planning and Compulsory Purchase Act 2004 (as amended) requires that a Statement of Community Involvement is prepared by the Local Planning Authority to set out the principles for consultation and community engagement that will be utilised in consulting the community and other stakeholders in the preparation of local planning policy documents and in the processing and determining of planning applications. Public consultation is required on the draft SCI and, once adopted, the Legacy Corporation will be required to comply with the principles and procedures that it sets out. A reference is made to the SCI in the draft LDS. The SCI is the subject of a separate report on the agenda for this Board meeting, which seeks approval of the draft for consultation purposes and identifies a timetable of preparation that would result in its adoption by February/March 2013. Any consultation on Local Plan or other matters carried out before that date would comply with the provisions of the draft SCI.

#### **Conclusion and recommendation**

4.15. This report seeks Board approval for the Legacy Corporation's Local Development Scheme, which sets out the programme for preparation of the Local Plan and the Community Infrastructure Levy Charging Schedule. As a Local Planning Authority with plan making powers, the Legacy Corporation is required

to prepare a Local Plan for its area. It is also able to prepare its own CIL Charging Schedule and collect and spend monies raised from this on infrastructure that will support the development planned within its area. Should the Board approve the LDS, the Local Plan and CIL Charging Schedule will be prepared to the programme identified.

- 4.16. Once adopted, the Local Plan will provide the Legacy Corporation local planning policy, setting out the strategy for development within its area and the local planning policies that will be used in the determination of planning applications. The CIL Charging Schedule, once adopted, will enable the Legacy Corporation to collect a CIL charge and apply this to fund the delivery of infrastructure to support planned development within its area.

## **5. FINANCIAL IMPLICATIONS**

- 5.1. The costs associated with the preparation and adoption of the Local Plan and CIL Charging Schedule have been included within the Legacy Corporation's annual budget and business plan. The majority of work associated with this preparation will be carried out using existing staff resources, with external consultancy services used for specialist elements of work. Costs otherwise, predominantly relate to required consultation activity, document production and the required independent examinations.

## **6. LEGAL IMPLICATIONS**

- 6.1. The preparation of a Local Plan is required by the provisions of the Planning and Compulsory Purchase Act 2004 (as amended) and must be carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.2. The Planning Act 2008 makes provision for Local Planning Authorities to prepare a Community Infrastructure Levy Charging. Preparation of the CIL Charging Schedule and procedures for collecting and spending the monies resulting from the charge must comply with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (both as amended).
- 6.3. Where specialist legacy advice is sought in the course of preparation of the Local Plan and the CIL Charging Schedule this will be sought in consultation with General Counsel.

## **7. PRIORITY THEMES**

- 7.1. The priority themes of the Legacy Corporation are: Promoting convergence and community participation; Championing equalities and inclusion; Ensuring high quality design; Ensuring environmental sustainability. These themes will be taken into account in developing the spatial strategy and planning policy which will form the Legacy Corporation Local Plan and help to direct development and regeneration decisions and the determination of planning applications within its area. The preparation and operation of a CIL Charging Schedule will form a key element of the delivery strategy for the policies and proposals that will be set out in the Local Plan.

## **8. Appendices**

- 8.1. Appendix 1 – Draft Legacy Corporation Local Development Scheme

**List of Background Papers:**

- Town and Country Planning (Local Planning) (England) Regulations 2012
- The Community Infrastructure Levy Regulations 2010 (as amended)
- National Planning Policy Framework (March 2012)
- The London Legacy Development Corporation (Planning Functions) Order 2012

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DRAFT

# Local Development Scheme

October 2012

DRAFT

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# Local Development Scheme

## 1. Introduction

### 1.1 What is the Local Development Scheme?

This Local Development Scheme (LDS) is the London Legacy Development Corporation's (Legacy Corporation) two-year project plan for the production of the Local Plan<sup>1</sup>.

This LDS includes:

- A brief description of the local planning documents to be prepared by the Legacy Corporation, including the identification of which of these documents will be development plan documents, and the content and geographic area to which they will relate;
- A list of which policies and proposals of the existing development plans which cover the area will be replaced and which will be saved;
- An explanation of the relationship between the existing and proposed local planning documents;
- Details of any joint documents to be prepared with one or more local planning authorities;
- The planned timetable for preparation and revision of each development plan document and the key milestones to be achieved;
- An explanation of progress against the LDS e.g. publication, submission and adoption dates, together with the local planning authority's approach to reviewing the LDS;
- Identification of the resources required, constraints and milestones.

This LDS also sets out the project plan for the preparation of non-development plan documents which will support the Local Plan, including the Statement of Community Involvement.

Although not formally part of the Development Plan, this LDS also sets out the project plan for the preparation of the Community Infrastructure Levy Charging Schedule.

### 1.2 What is the status of this document?

This LDS has been prepared in accordance with the requirements of section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

[On 15 October 2012, the Legacy Corporation Board resolved that this LDS is to have effect from that date]

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<sup>1</sup> A Local Plan may comprise one or more Development Plan Documents (DPD)

[This LDS has been submitted to the Mayor's Office and to Planning Inspectorate PINS.]

Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended) requires Development Plan Documents (DPDs) to be prepared in accordance with the LDS. As such, progress made against the LDS will be monitored, and a report, known as the Annual Monitoring Report (AMR), will be published every December as part of the statutory monitoring reports process. The Legacy Corporation will review this LDS as necessary based on the information contained in the AMR.

Further information about this LDS can be obtained from the Planning Policy and Decisions Team via the website:

[www.londonlegacy.co.uk/planningpolicy](http://www.londonlegacy.co.uk/planningpolicy)

### 1.3 What is the background and purpose of the Legacy Corporation?

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 the Legacy Corporation came into being on 9<sup>th</sup> March 2012.

On 1<sup>st</sup> 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 be available to a local planning authority, including plan making powers.

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. A map of the Legacy Corporation area is provided at **Appendix1** ..

#### 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”*

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;
- Setting and maintaining standards for quality of design, construction and urban planning, to ensure a sustainable and enduring legacy for the Park.

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.

## **1.4 Legacy Corporation Planning Powers and responsibilities**

The Legacy Corporation's planning powers and responsibilities are primarily drawn from the following:

- 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
- London Legacy Development Corporation (Planning Functions) Order 2012
- The Community Infrastructure Levy Regulations 2010 (as amended)

# 2. The Legacy Corporation Local Plan

## 2.1 What is the Local Plan?

The Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare local development documents for their area. These include the development plan documents which will comprise the statutory Local Plan.

The National Planning Policy Framework (NPPF) is the primary source of Government policy relating to the planning system. The NPPF states that local plans must be prepared with the objective of contributing to the achievement of sustainable development and be consistent with the policies in the NPPF, including the presumption in favour of sustainable development. It advocates that local plans should address the spatial implications of economic, social and environmental change, set out the opportunities for development and clear policies on what development will or will not be permitted and where. It requires that local planning authorities set out their strategic priorities for the area including strategic 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.

The NPPF also states that Local Plans should:

- “Plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;
- Be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;
- Be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;
- Indicate broad locations for strategic development on a key diagram and land-use designations on a proposal’s map;
- Allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;
- Identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation;

- Identify land where development would be inappropriate, for instance because of its environmental or historic significance; and
- Contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.”

## 2.2 Local Plan scope and programme

Changes in legislation since the Coalition Government came into power in May 2010 has resulted in local planning authorities being able to take a flexible approach to the preparation of their local plans. A local plan may comprise one or more Development Plan Documents (DPD).

The Legacy Corporation will prepare a single Local Plan rather than a number of individual LDDs, which will have DPD status. The programme for Local Plan preparation is set out in **Table 1**.

<b>Legacy Corporation Local Plan</b>	
<b>Geographical scope</b>	Legacy Corporation area-wide
<b>Status</b>	Development Plan Document (DPD)
<b>Summary</b>	<ul style="list-style-type: none"> <li>• An outline of the key issues facing the area (often referred to as a ‘spatial portrait’).</li> <li>• A realistic vision for how the area should look in 2030, with strategic level supporting objectives.</li> <li>• The strategic direction of future growth in the area, including the identification of strategic sites which are key to the delivery of the vision, and a suite of place-based policies which will describe how key locations will be expected to change over time.</li> <li>• A set of issues-based policies which will be used in the determination of planning applications, covering issues such as design and affordable housing requirements.</li> <li>• A delivery and monitoring strategy which will address implementation as well as the Legacy Corporation’s approach to managing risks and contingencies.</li> </ul>
<b>Chain of conformity</b>	<ul style="list-style-type: none"> <li>• Conformity with the National Planning Policy Framework</li> <li>• Conformity with the London Plan</li> <li>• Influenced by existing local planning policy documents, community plans and other relevant local strategies</li> <li>• Any subsequent supplementary planning documents or neighbourhood plans must be in conformity with the Local Plan.</li> </ul>
<b>Legislation</b>	<ul style="list-style-type: none"> <li>• Planning and Compulsory Purchase Act 2004 (as</li> </ul>

	<ul style="list-style-type: none"> <li>amended)</li> <li>• Planning Act 2008 (as amended)</li> <li>• Localism Act 2011</li> <li>• Town and Country Planning (Local Development) (England) Regulations 2012</li> </ul>
<b>Key milestones</b>	
November - December 2012	Notification of preparation (6 weeks informal consultation)
[TBC]	Consultation on the scope of the Sustainability Appraisal
September 2013	Consultation on a Draft Local Plan (4 weeks informal consultation)
November - December 2013	Publication (6 weeks formal consultation)
February 2014	Submission of Local Plan to the Secretary of State
May - June 2014	Independent Examination
October 2014	Adoption
<b>Management and resource issues</b>	
<b>Management arrangements</b>	<ul style="list-style-type: none"> <li>• Organisational Lead: Director of Planning Policy and Decisions</li> <li>• Influenced by Member and officer working groups</li> <li>• Board approval.</li> </ul>
<b>Community engagement</b>	<ul style="list-style-type: none"> <li>• Meet requirements of Duty to Co-operate</li> <li>• Wide-ranging community engagement in-line with the methods described in the Statement of Community Involvement.</li> </ul>
<b>Resources</b>	<p>People:</p> <ul style="list-style-type: none"> <li>• The Planning Policy Team, with input from Planning Decisions Team, where appropriate.</li> <li>• Administrative Support</li> <li>• Support and input from other Legacy Corporation teams (including community engagement, regeneration, design, IT, etc).</li> </ul> <p>Financial costs associated with:</p> <ul style="list-style-type: none"> <li>• Employment of specialist expertise</li> <li>• Preparation of a Proposals Map</li> <li>• Publicity, design, production and circulation</li> <li>• Examination process – appointment of a Programme Officer, PINS fee, legal and administrative costs.</li> </ul>



<p><b>Risks and contingencies</b></p>	<p><b>Staff levels and turn-over.</b> The Planning Policy Team is currently staffed by the Chief Planner for Policy and Partnerships, a Senior Planning Policy Officer and a Senior Planning Implementation Officer. Planning Officers from the Planning Decisions Team will also input to work on specific policy areas, where appropriate. Administrative support is available from within existing staff resource. The approved Planning Policy Team structure has allowance for an additional Planning Policy Officer – to be employed after 1 October 2012.</p> <p><b>Capacity of PINS and other agencies to cope with demand nation-wide.</b> While this is not within the Legacy Corporation’s control an early warning of the Council’s programme will be sent to PINS and the statutory consultees.</p> <p><b>Soundness.</b> The Legacy Corporation will minimise the risk of the Local Plan being found unsound by working closely with key partners and PINS at all milestone stages.</p> <p><b>Legal Challenge.</b> The Legacy Corporation will minimise the risk of legal challenge by ensuring that the Local Plan is sound and founded on a robust evidence base and well-audited stakeholder and community engagement systems and otherwise fully compliant with legal requirements. Specialist legal advice will be sought where necessary and will be sought in conjunction with General Counsel.</p> <p><b>Major community / stakeholder opposition.</b> The risk of this occurring will be minimised by effective community engagement with key community/ stakeholders in the early stages of the process, in accordance with the methods set out in the Statement of Community Involvement (SCI)</p> <p><b>Secretary of State/ Mayoral intervention.</b> The associated risk will be minimised through addressing soundness of the plan preparation process and addressing conformity with the NPPF and London Plan.</p> <p><b>Political buy-in.</b> Local plan documents and consultation stages will be subject to Legacy Corporation Board approvals. Wider engagement will be in accordance with the methods set out in the SCI.</p>
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	<p><b>Duty to Co-operate</b> Appropriate structures for liaison and consultation with surrounding boroughs and other specified bodies will help to ensure appropriate levels of cooperation are achieved.</p>
<b>Monitoring and review</b>	Monitoring and review of progress on key milestones and policy performance to be undertaken through the authority's reports process, to be published every December.

**Table 1:** Programme for preparation of the Local Plan

### 2.1.1 Supplementary Planning Documents (SPD)

In order that there may be flexibility in the planning system to respond to changing circumstances, it is not a requirement to include detailed information about what SPD will be prepared and when in a LDS.

However, the Legacy Corporation may prepare SPD to support the implementation of local plan policies, which may address issues such as affordable housing and design.

### 2.1.2 Statement of Community Involvement (SCI)

Local planning authorities are required to prepare a SCI which sets out how the community will be involved in the preparation of local planning policy documents and in the processing and determination of planning applications. The SCI has the status of a special (Non Development Plan) LDD.

The Legacy Corporation's Draft SCI was approved for consultation which will take place between 26 October and 7 December 2012. Following consideration of consultation responses, the SCI will be formally adopted by Legacy Corporation's Board in [February] 2013.

## 2.3 The Legacy Corporation's approach to neighbourhood planning

The Localism Act 2011 made provision for the preparation of Neighbourhood Plans by communities. These plans can set planning policies to guide future development in a defined neighbourhood area. Neighbourhood Plans must be in conformity with national policy as well as any Development Plans (e.g. the Local Plan) that have been adopted by the local planning authority.

Neighbourhood Plans are to be subject to a local referendum and examined by an independent inspector.

The Legacy Corporation will support communities in the preparation of Neighbourhood Plans by helping to define the geographical scope of neighbourhoods, providing advice on the preparation of the plans throughout

their key stages and validating plans to ensure that they meet all the necessary requirements.

At the time that this LDS came into effect, the Legacy Corporation was not aware of any community groups wishing to prepare neighbourhood plans within the Legacy Corporation area.

## 2.4 The Community Infrastructure Levy (CIL)

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended) provide local planning authorities with the power to prepare and adopt a CIL for their areas.

The adoption of a CIL allows local authorities in England and Wales to raise funds from developers undertaking new build projects in their area. The money can then be used to help fund a wide range of infrastructure that is needed as a result of development including road schemes, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres.

Although not formally part of the Development Plan for the area, CIL will be a key delivery mechanism, by helping to ensure that new infrastructure is provided in a timely way in order to support the level of growth that is being planned for. An Infrastructure Delivery Plan will also be prepared as part of the evidence base for the CIL and the Local Plan.

In London, the Mayor has already introduced a CIL which came into force on 1 April 2012, which will be used to provide finance towards the delivery of Crossrail. Once a CIL Charging Schedule has been adopted, the Legacy Corporation CIL will be collected in addition to the Mayoral CIL.

The Legacy Corporation's programme for preparation of the CIL Charging Schedule is set out in **Table 2**.

<b>Legacy Corporation Community Infrastructure Levy</b>	
<b>Geographical scope</b>	Legacy Corporation area-wide
<b>Status</b>	Not part of the Development Plan. Prepared under separate legislation.
<b>Summary</b>	<ul style="list-style-type: none"> <li>Charging schedule sets the levy that will be charged for new development. This will be supported by an infrastructure schedule.</li> <li>Supported by a procedural note on implementation.</li> <li>Timetable to complement Local Plan preparation and consultations.</li> </ul>
<b>Chain of conformity</b>	<ul style="list-style-type: none"> <li>None, however it must be consistent with the Local Plan</li> </ul>

## Key milestones

October 2012– March 2013	Evidence gathering and early stakeholder consultation
April 2013	Consultation on Preliminary Draft Charging Schedule
July – August 2013	Consultation on Draft Charging Schedule
October 2013	Submission of Draft Charging Schedule to the Secretary of State
December 2013/ January 2014	Independent Examination
April 2014	Adoption

## Management and resource issues

<b>Management arrangements</b>	<ul style="list-style-type: none"> <li>• Organisational Lead: Director of Planning Policy and Decisions</li> <li>• Influenced by Member and officer working groups.</li> <li>• Board approval.</li> </ul>
<b>Community engagement</b>	<ul style="list-style-type: none"> <li>• <i>Meet requirements of Duty to Co-operate</i></li> <li>• Wide-ranging community engagement in-line with the methods described in the Statement of Community Involvement.</li> </ul>
<b>Resources</b>	<p>People:</p> <ul style="list-style-type: none"> <li>• The Planning Policy Team, with input from Planning Decisions Team, where appropriate.</li> <li>• Administrative Support</li> <li>• Support and input from other Legacy Corporation teams (including community engagement, regeneration, design, IT, etc).</li> </ul> <p>Financial costs associated with:</p> <ul style="list-style-type: none"> <li>• Employment of specialist expertise</li> <li>• Preparation of a map (to show differential rates, if appropriate)</li> <li>• Publicity, design, production and circulation</li> <li>• Examination process – appointment of a Programme Officer, PINS fee, legal and administrative costs.</li> </ul>
<b>Risks and contingencies</b>	<p><b>Staff levels and turn-over.</b> The Planning Policy Team is currently staffed by the Chief Planner for Policy and Partnerships, a Senior Planning Policy Officer and a Senior Planning Implementation Officer. The later will have day to day responsibility for progressing and managing the CIL. Planning Officers from the Planning Decisions Team will also</p>

input to work related to development of the CIL where appropriate. Administrative support is available from within existing staff resource. The approved Planning Policy Team structure has allowance for an additional Planning Policy Officer – to be employed after 1 October 2012.

**Capacity of PINS and other agencies to cope with demand nation-wide.** While this is not within the Legacy Corporation's control an early warning of the Council's programme will be sent to PINS and the statutory consultees. Potential for an alternatively sources independent examiner may also be investigated if appropriate.

**Recommendation of rejection of the charging schedule by the examiner.** The Legacy Corporation will minimise the risk of the examiner recommending rejection of the CIL Charging Schedule being found unsound by working closely with key partners and ensuring that it is fully compliant with the statutory requirements.

**Legal Challenge.** The Legacy Corporation will minimise the risk of legal challenge by ensuring that the CIL Charging Schedule is sound and founded on a robust evidence base and well-audited stakeholder and community engagement systems and otherwise fully compliant with legal requirements. Specialist legal advice will be sought where necessary and will be sought in conjunction with General Counsel..

**Major community / stakeholder opposition.** The risk of this occurring will be minimised by effective community engagement with key community/ stakeholders in the early stages of the process, in accordance with the methods set out in the SCI.

**Secretary of State/ Mayoral intervention.**

The associated risk will be minimised through addressing soundness of the prescribed CIL Charging Schedule preparation process.

**Political buy-in.**

CIL documents and consultation stages will be subject to Legacy Corporation Board approvals. Wider engagement will be in accordance with the methods set out in the SCI.

**Duty to Co-operate**

Appropriate structures for liaison and consultation with surrounding boroughs and other specified bodies will help to ensure appropriate levels of cooperation are achieved.

<b>Monitoring and review</b>	Monitoring and review of progress on key milestones and policy performance to be undertaken through the authorities reports process, to be published every December.
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**Table 2:** Programme for preparation of the CIL Charging Schedule

## 2.5 Monitoring reports

Local planning authorities are required to monitor the targets and indicators associated with the policies and proposals within their Local Plan, as well as progress against the milestones set out in the LDS. While there is no longer a requirement that an annual monitoring report be produced and submitted to the Government, the Legacy Corporation will produce an annual monitoring report which:

- Reports progress on the timetable and milestones identified for the preparation of the Local Plan;
- The performance against relevant targets and indicators associated with the Local Plan, when adopted;
- Performance against specific core output indicators (including housing delivery);
- Provide any relevant update on the delivery of infrastructure identified within the Infrastructure Delivery Plan; and
- Report on the CIL monies collected and that spent in providing infrastructure, once the Legacy Corporation's CIL has been adopted.

## 3. Existing planning policy within the Legacy Corporation area

As a result of the transitional provision of the Planning Functions Order, existing LDDs adopted before 1<sup>st</sup> October 2012 remain in place as the relevant local planning policy for the Legacy Corporation area until such time as the Legacy Corporation has adopted its own Local Plan.

Existing LDDs that apply to the Legacy Corporation area are as follows:

### 3.1 London Borough of Hackney

Core Strategy (2010)

Hackney Wick Area Action Plan

Planning Contributions SPD

Affordable Housing SPD

Residential Extensions and Alterations SPD

<http://www.hackney.gov.uk/ep-planning-policy.htm>

### 3.2 London Borough of Newham

Core Strategy (2012)

Joint Waste DPD (2012)

<http://www.newham.gov.uk/Planning/PlanningPolicy.htm>

### 3.3 London Borough of Tower Hamlets

Core Strategy (2010)

[http://www.towerhamlets.gov.uk/lqsl/851-900/855\\_planning\\_consultation/core\\_strategy.aspx](http://www.towerhamlets.gov.uk/lqsl/851-900/855_planning_consultation/core_strategy.aspx)

Fish Island Area Action Plan (2012)

[http://www.towerhamlets.gov.uk/lqsl/851-900/855\\_planning\\_consultation/consulting\\_on\\_the\\_ldf.aspx](http://www.towerhamlets.gov.uk/lqsl/851-900/855_planning_consultation/consulting_on_the_ldf.aspx)

Planning Obligations SPD (2012)

[http://www.towerhamlets.gov.uk/lqsl/851-900/856\\_local\\_development\\_framework/planning\\_obligations\\_spd.aspx](http://www.towerhamlets.gov.uk/lqsl/851-900/856_local_development_framework/planning_obligations_spd.aspx)

Bromley by Bow Masterplan SPD

[http://www.towerhamlets.gov.uk/lqsl/851-900/856\\_local\\_development\\_framework/bromley-by-bow\\_masterplan\\_spd.aspx](http://www.towerhamlets.gov.uk/lqsl/851-900/856_local_development_framework/bromley-by-bow_masterplan_spd.aspx)

### 3.4 London Borough of Waltham Forest

Core Strategy (2012)

<http://www.walthamforest.gov.uk/Pages/Services/Planning-Local-Development-Framework.aspx?l1=100006&l2=200074>

An up-to-date list of relevant planning policy within the Legacy Corporation area will be available on the Legacy Corporation website. Where this has been produced by and is owned by one of the Legacy Corporation boroughs, a link to the relevant web-pages and documents will be provided.

### 3.5 London Plan

The London Plan (2011) is also part of the development plan for the Legacy Corporation area. The Legacy Corporation's Local Plan must be in conformity with the contents of the London Plan.

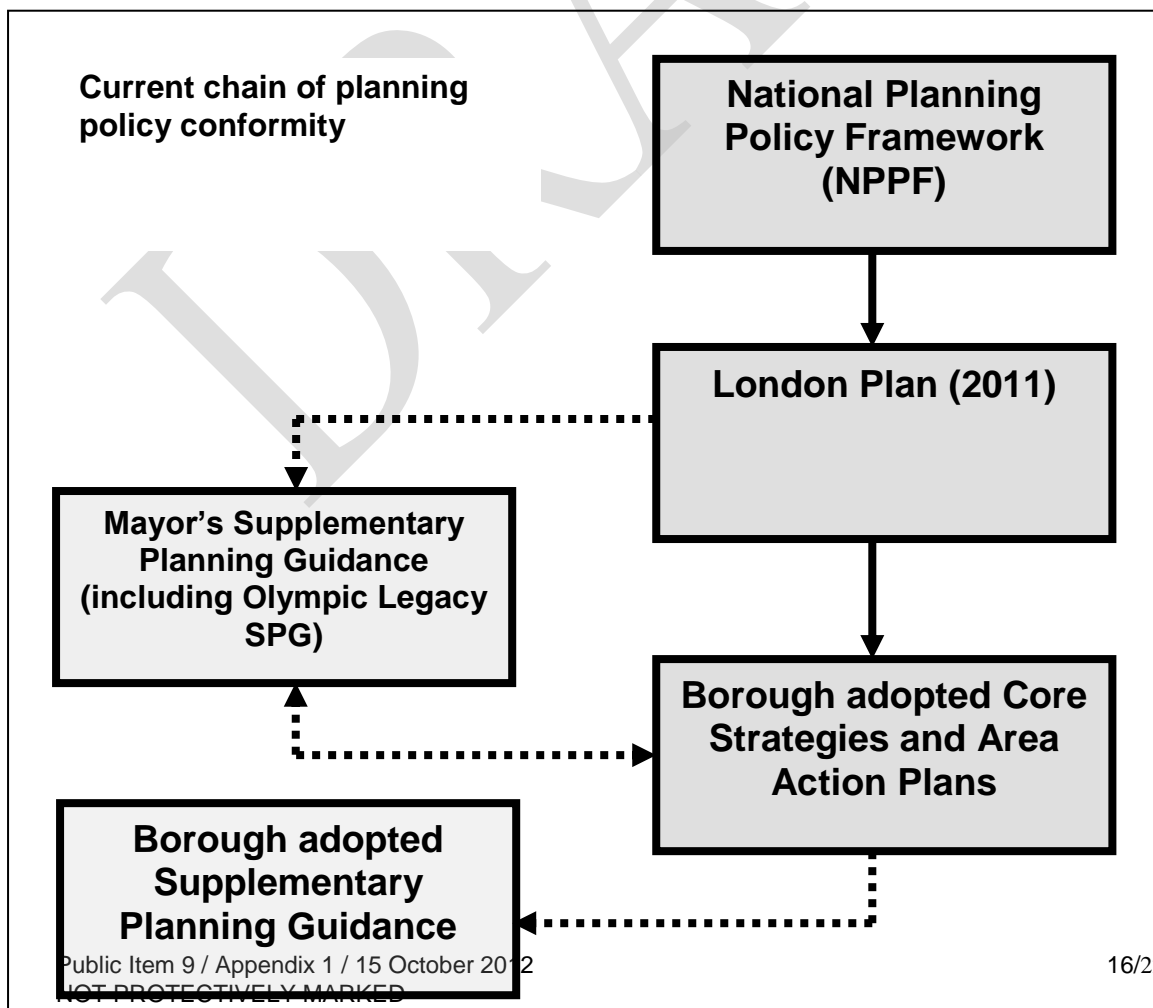
In July 2012 the Mayor published his Olympic Legacy Supplementary Planning Guidance (OLSPG) document which provides further guidance to London Plan policies as these affect the Legacy Corporation area.

London Plan 2011:

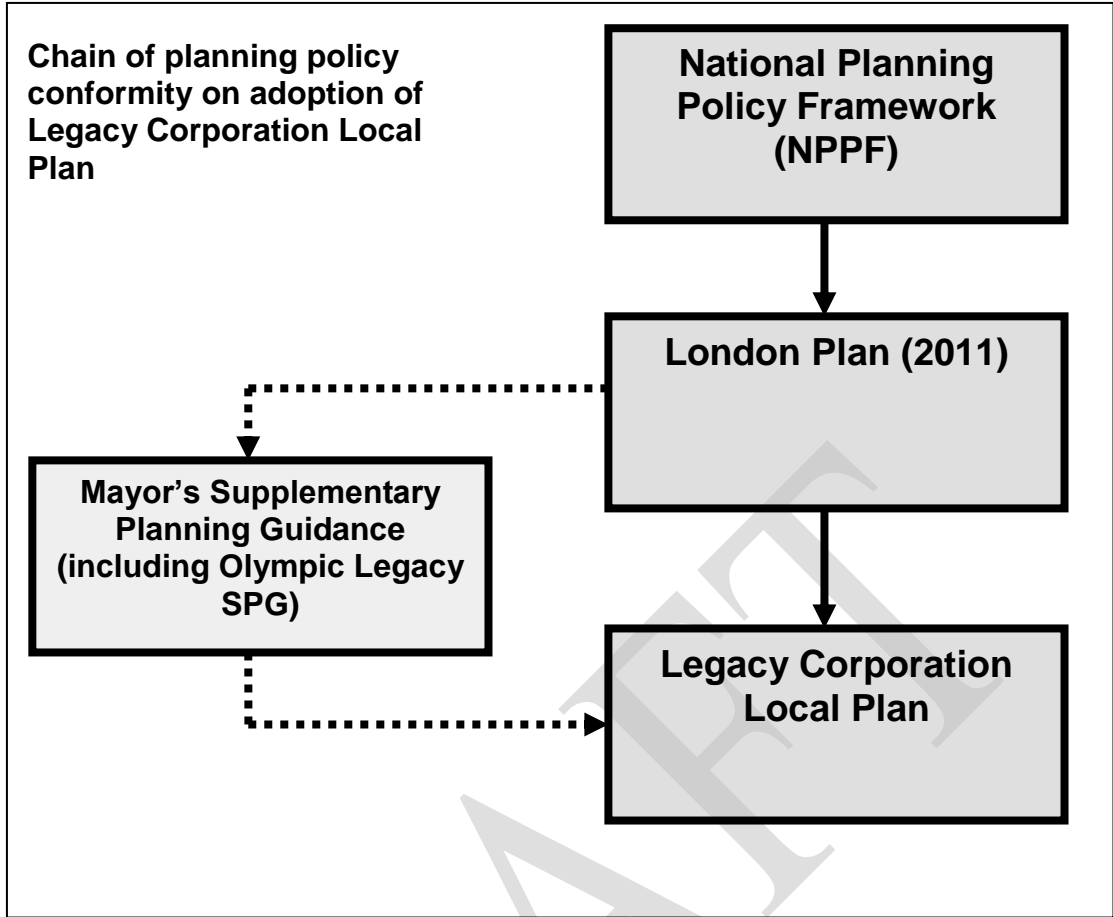
<http://www.london.gov.uk/priorities/planning/londonplan>

Olympic Legacy Supplementary Planning Guidance:

<http://www.london.gov.uk/publication/olympic-legacy-supplementary-planning-guidance>







# Appendix 1 – Glossary of key terms

**Adopted Proposals Map:** The Adopted Proposals Map illustrates all the policies contained in local plan documents, together with any policies for the areas. It is revised as each new Development Plan Document is adopted, and it should always reflect the up-to-date planning strategy for an area. Suggested changes to the adopted proposals map should accompany submitted development plan documents.

**Adoption:** The formal approval or acceptance of local planning documents by the Legacy Corporation.

**Annual Monitoring Report (AMR):** A report published by the Legacy Corporation assessing progress on - and the effectiveness of - the Local Plan.

**Area Action Plans (AAPs):** Document for key areas of change or conservation which focuses on proposals for the area and their implementation.

**Community:** Usually refers to those living within a specific area but can be any group with shared needs or interests living in the Legacy Corporation boundary, as well as those with business interests and the working population.

**Community Infrastructure Levy (CIL):** standard charge determined by the local planning authority and levied on new development (an amount per square metre). The monies raised will be used to pay for infrastructure.

**Community Strategy (CS):** Councils are required by the Local Government Act 2000 to prepare such strategies, with the aim of improving the social, environmental and economic well-being of their areas.

**Departure Applications:** An application for planning permission for a development which breaches policies of the development plan.

**Development:** Development, as defined under the 1990 Town and Country Planning Act is “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land.” Most forms of development require planning permission.

**Development Control:** The process whereby the local planning authority receives, and considers the merits of, planning applications - and whether they should be given permission – having regard to the development plan policies and all other material considerations. More recently known as ‘**Development Management**’ which advocates a more positive and proactive approach to planning decisions.

**Development Plan Documents (DPDs):** Development Plan Documents are prepared by local planning authorities to outline the key development goals of

their Local Development Frameworks. They can be presented in several different forms – such as diagrams, maps and text – and should include: Core Strategy; Site Specific Allocations; Adopted Proposals Map; Area Action Plans and other documents. All DPDs must be subject to rigorous community involvement, consultation and independent examination- and adopted only after receipt of an inspector's report. Once adopted, development control decisions must be made in accordance with them – unless there is good reason for them not to. DPDs will form part of the Local Plan for the area.

**Examination:** Formal examination of the Local Plan by an independent inspector appointed by the Secretary of State.

**Hard to reach groups:** May include: Groups representing those with disabilities; Gypsies, Travellers and Travelling Showpeople; Minority ethnic groups; Socially excluded elderly people; Under 45s with families – often under-represented as they have little spare time to get involved; Young people – under 18s; Those who work full-time, particularly those who work outside the area.

**Inspector's Report:** A report issued by a planning inspector regarding the planning issues debated at independent examinations held into development plans or planning inquiries.

**Local Development Documents (LDDs) – also referred to as Local Plan documents:** These include Development Plan Documents (DPDs) and the Statement of Community Involvement (SCI) - which are legal requirements – along with Supplementary Planning Documents (SPDs), which do not form part of the legally required development plan.

**Local Development Framework (LDF):** An LDF is comprised of: Development Plan Documents; Supplementary Planning Documents; Statement of Community Involvement; Local Development Scheme; Annual Monitoring Report; Any Local Development Orders or Simplified Planning Zones that may be added. The term LDF has recently been replaced with the term '**Local Plan**'.

**Local Development Scheme (LDS):** The Legacy Corporation's two-year timetable for the preparation, production, adoption and revision of the Local Plan. The Local Development Scheme was brought into effect in October 2012. It will be monitored on an annual basis and reviewed as required.

**Material Considerations:** These are any issues that should be taken into account in deciding a planning application, or an appeal against a planning decision.

**National Planning Policy Framework (NPPF):** Published on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and

their accountable local planning authorities can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

**Department of Communities and Local Government (DCLG):** Government Department responsible for policy on housing, planning, local government and the fire service.

**Planning Inspectorate (PINS):** The Planning Inspectorate holds independent examinations to determine whether or not Local Plans are 'sound'. The Planning Inspectorate also handles planning and enforcement appeals.

**Planning Permission:** Formal approval given by the planning authority, allowing a proposed development to proceed. Permission may be sought in principle through outline planning applications, or in detail through full planning applications.

**Referable Application:** Planned developments that are of strategic importance are referred to the Mayor.

**Regional Spatial Strategy (RSS):** Produced by the Greater London Authority, it is a strategy for how London should look in 15 to 20 years time and possibly longer. The Regional Spatial Strategy identifies the scale and distribution of new housing in London, indicates areas for regeneration, expansion or sub-regional planning and specifies priorities for the environment, transport, infrastructure, economic development, and waste treatment and disposal.

**Representations:** Comments or responses to a consultation which support or object proposals.

**Strategic Environment Assessment (SEA):** is a system of incorporating environmental considerations into policies, plans and programmes. The specific term Strategic Environmental Assessment relates to European Union policy. In the UK, this requirement has been incorporated into the **Sustainability Appraisal** process.

**Site Specific Allocations:** Allocation of particular sites for specific or mixed uses or development, for example residential or commercial, which the local planning authority believes they are particularly suitable for.

**Sound/soundness:** describes where a Local Plan is considered to 'show good judgement' and also to fulfil the expectations of legislation, as well as conforming to national and regional planning policy.

**Statement of Community Involvement (SCI):** This describes the way the LC plans to involve the local community in the preparation, alteration and continuing review of all local planning documents and Development Control decisions.

### **Statement of Proposals Matters/Statement of Representations**

**Procedure:** The Regulations set out that the Council must produce a Statement of Matters which sets out the title of the document, subject matter of and area covered, period for representations, address where representations should be sent and list of places at which the document is available for inspection and the times at which it can be inspected.

**Sustainability Appraisal (SA):** A tool used to ensure that planning policies reflect efforts to bring lasting, 'sustainable' improvements to an area - including social, environmental and economic improvements. SA is required by law for Local Plans.

**Sustainable Development:** The core principle underpinning the planning system. "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (World Commission on Environment and Development (WCED). *Our common future*, 1987).

**Supplementary Planning Documents (SPDs):** A Local Development Document that may cover a range of issues either focusing on a specific area or theme, and provides further details of policies and proposals in a 'parent' document

# Appendix 2 – Legacy Corporation Area Map

