

Kellas, Ralph
Ralph.Kellas@dentons.com

11 October 2018

INFORMATION REQUEST REFERENCE 18-061

Dear Sir,

Thank you for your information request, received on 13 September 2018, following on from the request reference 18-049. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Environmental Information Regulations 2004 (EIR):

“any record or note of the information/materials requested in the First Request (18-049 - a copy of any record or notes of: 1) pre-application discussions or correspondence between any MSG [Madison Square Garden] group company (or its agents) and LLDC in relation to the development of the Site [the land north west of Angel Lane]; and 2) discussions about the need for, content or scope of the environmental statement which will accompany the planning application” (other than notes of formal pre-application meetings). We expect this to include (but not be limited to):

- 1. copies of emails and letters to MSG, or its agents regarding the development of the Site;*
- 2. notes of telephone calls with MSG, or its agents regarding the development of the Site;*
- 3. copies of any correspondence regarding MSG's representations on the Local Plan Review (as referred to on pg.4 of the Response);*
- 4. the draft Planning Performance Agreement (as referred to on pg. 3 of the Response);*
- 5. any further correspondence (including with LB Newham as referred to on pg. 3 of the Response) regarding, and subsequent drafts of, the Planning Performance Agreement;*
- 6. the details of the briefing on the proposals for potential projects coming forward for Stratford Station (as referred to on pg. 19 of the Response);*
- 7. agendas for pre-application meetings and the supporting materials;*
- 8. a copy of the briefing note and presentation to the London Legacy Development Corporation Planning Decisions Committee on 27 March 2018 (as referred to on pg. 13 of the Response);*
- 9. a copy of the Energy Strategy (as referred on pg. 20 of the Response);*
- 10. a copy of the presentation to the London Legacy Development Corporation on 31 May 2018 (as referred to on pg. 38 of the Response);*
- 11. a copy of the Energy Strategy (as referred on pg. 69 (if different to that referred to on page 20 of the Response); and*
- 12. any feedback on the baseline, 2022 and 2031 methodology for views analysis (as referred to on pg. 67 of the Response).”*

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information requested in question 1 and 5 are being withheld under EIR regulation 12(4)(b) – manifestly unreasonable.

In addition, any information requested above that has been provided by MSG or its agents in relation to the pre-application process is being withheld under EIR regulation 12(5)(f) - adversely affect interests of provider: Further information on the refusals under these exceptions is below:

Q1. copies of emails and letters to MSG, or its agents regarding the development of the Site;

Q5. any further correspondence (including with LB Newham as referred to on pg. 3 of the Response) regarding, and subsequent drafts of, the Planning Performance Agreement;

With reference to your other request for copies of emails, letters and correspondence to MSG or its agents regarding the development of the site, please be advised that the Legacy Corporation are refusing this request on the basis of EIR regulation 12(4)(b) manifestly unreasonable.

EIR regulation 12(4)(b) – manifestly unreasonable

12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(b) the request for information is manifestly unreasonable;

Searches were run across the email archive for email correspondence between the Legacy Corporation and those organisations that fall within the scope of your request. These have been identified as:

The Madison Square Garden Company
DP9
Herbert Smith Freehills
London Communications Agency
Momentum Transport Consultancy
Populous
Trium Environmental Consulting
Volterra Partners

The searches were conducted using the email domain name to ensure that all the results were included, irrespective of specific individuals. The initial search results were:

Domain	Number of items
@msg.com	223
@dp9.co.uk	6,327
@hsf.com	1,865
@londoncommunications.co.uk	1,476
@momentum-transport.com	5,526

@populous.com	12,665
@volterra.co.uk	55
@triumenv.co.uk	26
TOTAL	28,163

Given the size of the search results, further searches were conducted on the three largest result groups (DP9, Momentum Transport Consultancy and Populous), in order to hopefully focus the search results and make the search size more manageable, as these consultants are working on unrelated projects in the Corporation's area.

Domain	Original size	Search term	Number of items
@dp9.co.uk		MSG	204
		Sphere	69
		Angel	611
		Stratford garden	29
Total for domain	6,327		913
@momentum-transport.co.uk		MSG	103
		Sphere	35
		Angel	25
		Stratford garden	5
Total for domain	5,526		168
@populous.com		MSG	61
		Sphere	28
		Angel	26
		Stratford garden	None found
Total for domain	12,665		115
Current total	24,518	Revised total	1,196
@londoncommunications.co.uk	1,476		
@volterra.co.uk	55		
@hsf.com	1,865		
@msg.com	223		
@triumenv.co.uk	26		
Total for search results	3,645	Total for search results	3,645
Old total	28,163	New total	4,841

While these searches do reduce the search results there is still a substantial number of emails that would need to be reviewed in order to identify and extract those relevant to your request and there is no guarantee that the focussed searches include all the relevant information.

While there are no appropriate costs limit under the EIR, the exception at regulation 12(4)(b) of the EIR can apply if the cost or burden of dealing with a request is too great. The Legacy Corporation is not a large organisation and the time and resources taken to answer this response would have a considerable impact on those resources.

In order to provide you with the information you have requested, we would have download, export, extract and then review all of the emails from the search results in order to try to identify the requested information.

In assessing whether the cost or burden of dealing with a request, public authorities need to consider the proportionality of the costs involved and decide whether they are clearly or obviously unreasonable.

The email search saves the search results in segments dependent on size, the larger the size of the search result then the more segments there are. The time estimate for the emails is based on the time taken to export, download and extract 1 segment. This is then extrapolated dependent on the number of segments and used to calculate the time taken.

For the focused searches results, there are 17 files that would need to be downloaded, exported and extracted before they can be searched in order to ascertain relevance to the request. The Legacy Corporation have estimated that this process would take approximately 4 hours.

Once extracted and accessible, there are over 4,800 emails that would need to be reviewed in order to establish if they hold relevant information. Based on an estimate of 1 email reviewed every 30 seconds this exercise would take over 40 hours to complete.

The estimates of time above do not include the review of the remaining emails that would then be required in order to identify information that would need to be redacted or any third-party consultation that would be required.

As of the date of this request, the Legacy Corporation Planning Policy and Decisions Team has 9 Planning Officers within its Development Management team and one post responsible for the co-ordination of information requests under the EIR and FOI legislations. The Legacy Corporation have considered the public interest in respect to their decision and appreciate that they also have to balance public interest with the effective, efficient and economic use of the resources that they have responsibility for as a public authority.

The Legacy Corporation cannot justify the cost or the use of resources that would be required to answer your request and the disproportionate burden this request would place on the Legacy Corporation's limited resources or the impact there would be on delivery of its other responsibilities. While there is a presumption in favour of disclosure under EIR, responding to this specific request would place unreasonable demands on our resources and for this reason, the Legacy Corporation consider your request for *copies of emails and letters to MSG, or its agents regarding the development of the Site* to be manifestly unreasonable under regulation 12(4)(b) of the EIR.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. We will then be able to ascertain whether we would be able to respond without the impact on the resources. Any reformulated request will be treated as a new information request.

Q2. notes of telephone calls with MSG, or its agents regarding the development of the Site;

The Legacy Corporation does not record phone calls and does not hold notes of telephone calls with MSG or its agents regarding the development of the Site.

Q3. copies of any correspondence regarding MSG's representations on the Local Plan Review (as referred to on pg.4 of the Response);

Correspondence received by the Legacy Corporation regarding MSG's representation on the Local Plan Review is attached in **Annex A**.

Q4. the draft Planning Performance Agreement (as referred to on pg. 3 of the Response);

The Planning Performance Agreement (PPA) has now been signed and a copy is attached in **Annex B**.

Please note: the PPA was accurate at the time of signing and we are currently working with the applicant on a revised programme for submission

Q6. the details of the briefing on the proposals for potential projects coming forward for Stratford Station (as referred to on pg. 19 of the Response);

The briefing on the proposals referenced in the previous response did not take place.

Q7. agendas for pre-application meetings and the supporting materials;

The Legacy Corporation does not hold any agenda for the pre-application meetings.

Q8. a copy of the briefing note and presentation to the London Legacy Development Corporation Planning Decisions Committee on 27 March 2018 (as referred to on pg. 13 of the Response);

The briefing note is attached in **Annex C**.

An additional Legacy Corporation document in relation to the Montfichet Road vision is attached in **Annex D**.

As referenced above, all the remaining information in relation to this request was provided by MSG or its agents in relation to the pre-application process is being withheld under EIR regulation 12(5)(f) - adversely affect interests of provider:

EIR regulation 12(5)(f) – adversely affect interests of provider.

For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect—

(f) the interests of the person who provided the information where that person—

(i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;

(ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and

(iii) has not consented to its disclosure;

Please note: the word 'person' in the regulation is not restricted to an individual and also includes legal persons such as companies.

Under EIR Regulation 12(5)(f) is a qualified exception and require the Legacy Corporation to conduct a test of public interest in terms of disclosure as set out in Regulation 12(1)(b).

There is, of course, the Legacy Corporation's commitment to openness and transparency, as well as the inherent presumption in favour of disclosure of information requested under the EIR, however, the following factors have been considered in favour of maintaining the exception:

The Legacy Corporation have a duty of confidence in relation to information provided to them during the pre-application process. There is not a legal requirement to provide information to the Legacy Corporation and the decision of the third party to provide information is entirely voluntary. The quality of any information provided benefits the pre-application process, however, it is provided with the understanding that it will be treated in confidence.

The information currently withheld was provided as part the pre-application process and the Legacy Corporation can confirm that this information was provided voluntarily, with the expectation that it would be treated in confidence and with no expectation of disclosure. In addition, MSG or its agents have not received consent to its disclosure.

Making volunteered information available to the public could inhibit open and constructive discussions between the Legacy Corporation and third parties and adversely affect this pre-application process, and any future pre-application processes, where the provision of information by the third party is restricted as commercially sensitive and confidential information could not be guaranteed to be held in confidence by the Legacy Corporation.

The Legacy Corporation can confirm that they have been advised that releasing the information at this time will adversely affect the interests of the third party who proved the information. In addition, due to the concern in relation to the adverse impact of the possible release of the information requested under the EIR, the third party has now strictly controls how the Legacy Corporation can access the information relevant to the pre-application process, which in turn is adversely affecting the quality of the service.

The public interest in releasing this information at this time is small, especially with consideration that once the pre-application process has concluded and a planning application has been submitted, then the information will be publicly available.

The Legacy Corporation can confirm that, in this instance, it believes that the factors in favour of withholding the information requested outweigh those in favour of disclosure.

If you are unhappy with our response to your request and wish to make a complaint or request an internal review of our decision, you should write to:

Deputy Chief Executive
London Legacy Development Corporation
Level 10, 1 Stratford Place
Montfichet Road
London, E20 1EJ

Email: FOI@londonlegacy.co.uk

Please note: complaints and requests for internal review received more than two months after the initial response will not be handled.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website www.ico.gov.uk

Yours sincerely

FOI / EIR Co-ordinator
London Legacy Development Corporation

29 June 2018

Planning Policy
London Legacy Development Corporation,
Level 10,
1 Stratford Place,
Montfichet Road,
Stratford,
E20 1EJ

DP9 Ltd
100 Pall Mall
London SW1Y 5NQ

Registered No. 05092507

telephone 020 7004 1700

facsimile 020 7004 1790

www.dp9.co.uk

Dear Sir/Madam,

LLDC LOCAL PLAN REVIEW MSG SPHERE, LAND OFF ANGEL LANE, STRATFORD

Introduction

On behalf of our client, Stratford Garden Development Ltd, we write to submit representations in response to the LLDC Local Plan Review in relation to the proposed development at land off Angel Lane (the Site).

Stratford Garden Development Ltd has recently purchased the Site unconditionally to deliver a new multi-use entertainment and leisure building referred to as the 'MSG Sphere' based on the Site's allocation in the adopted Local Plan (Site Allocation SA3.1: Stratford Town Centre West) for "*large-scale town centre use with supporting elements*". The National Planning Policy Framework defines Main Town Centre Uses as including leisure and entertainment facilities.

Accordingly, our client supports that the draft LLDC Local Plan continues to allocate the Site for town centre uses. A planning application for the MSG Sphere is expected to be submitted in late 2018.

This letter describes the site context, sets out an overview of the proposed development and outlines support for the Site's allocation in the Local Plan.

Site Context

The Site is bound to the north by railway lines running to and from Stratford International Station and which serve Eurostar and High Speed 1 services. Beyond the railway lines to the north of the Site is an emerging residential development known as 'Chobham Farm'. To the east the site is bound by the A112 Angel Lane and railway tracks running to and from Stratford Station serving London Underground Central and Jubilee Lines, London Overground and Dockland Light Railway services. Beyond the railway lines are developments comprising student housing, residential, hotel and commercial (office) uses. At the southern end of the site lies the Stratford Town Centre Link Bridge. Further south is Stratford Station.

To the west, the site is bound by further railway lines running to and from Stratford Station, an Energy Centre operated by Engie, Montfichet Road and Westfield Shopping Centre. Beyond this lies residential development on the Queen Elizabeth Olympic Park. The Olympic Stadium is located approximately 1 kilometre (km) to the south west of the site.

Overview of the Proposed Development

The MSG Sphere is currently being designed to accommodate a total of approximately 25,000 spectators. The arena can operate in a number of different modes with a mixture of seating and standing. The capacity can be varied from the maximum to a range of smaller capacities.

The arena will host a range of events, including but not limited to music, family shows, e-gaming and corporate events. This will be subject to a detailed event management plan.

Approximately 3,715sqm (~ 40,000sqft) of non-ticketed commercial floorspace is proposed. The range of commercial uses is currently being explored, but could include for example, restaurants, bars (including microbrewery) and cafes, a night club, retail and merchandising uses in addition to a smaller music club / venue.

Site Access

Four pedestrian connections will be provided into the Site via:

- **The Town Centre Bridge Link** - A new link bridge connecting the site onto the Town Centre Link Bridge;
- **The Northern Montfichet Bridge Link** - Access over the railway line to the west of the site between the Engie Energy Centre and its ancillary building;
- **The Southern Montfichet Bridge Link** - A bridge over the railway line to the west of the site from the site onto Montfichet Lane between the Engie Energy Centre and the High Speed 1 rail box; and
- **The Angel Lane Link** - The amendment of the existing access on the east side of the site directly from Angel Lane.

A fifth connection into the Site via a bridge over the High Speed 1 rail box with access from the A112/Leyton Road is currently being considered for construction access, light vehicle servicing and an additional access for emergency vehicles (The HS1 Link).

LLDC Local Plan

Site Allocation SA3.1: Stratford Town Centre West

As set out above, Stratford Garden Development Limited has purchased the Site unconditionally to deliver the MSG Sphere, which is a visionary statement for the arena of the future. The proposed use accords with the Site's allocation (Site Allocation SA3.1) in the adopted and emerging Local Plan, which state that the eastern parcel (the Site) "*should provide a large-scale town centre use with supporting elements*". The National Planning Policy Framework defines Main Town Centre Uses as including leisure and entertainment facilities.

The Site is uniquely placed to accommodate the MSG Sphere being in the heart of Stratford and benefiting from excellent infrastructure and public transport accessibility. The proposals justify LLDC's continued allocation of the Site for town centre uses and will deliver a significant number of benefits that enhance the function and role of Stratford town centre in accordance with SA3.1, including:

- Delivery of a world-leading, technologically-advanced entertainment and leisure venue / music venue, which accords with the Mayor's vision to protect and promote music venues.
- Further enhancing the offering of Stratford and London as a whole and supporting Stratford's Metropolitan Centre designation and future potential International Centre classification, as identified in the London Plan;
- Complementing other planned projects in Stratford, such as the new cultural quarter in Queen Elizabeth Olympic Park, East Bank;
- Supporting the growth and diversification of the visitor economy and night-time economy in Stratford and London as a whole, in accordance with the Mayor's 24-hour vision;

- Promoting Stratford and the wider Queen Elizabeth Olympic Park as an international visitor destination;
- Delivering substantial economic benefits, including generating and supporting a significant number of employment opportunities in Stratford and across the UK - estimated to be in the region of 3,200 FTE (direct, indirect & induced);
- Delivering ancillary retail/commercial uses that will support and contribute towards LLDC's targets for additional retail space in Stratford;
- Unlocking the accessibility of the Site by delivering four new public connections into the Site. In accordance with Site Allocation SA3.1, the proposals will provide a new link bridge connecting the Site onto the Town Centre Link Bridge.
- Delivering high quality, inclusively designed publicly accessible open space.

Accordingly, the proposed development is fully compliant with adopted and emerging national and strategic policies that support and promote town centre uses in town centres, and promote the role of Stratford, including:

- National Planning Policy Framework (2012):
 - Paragraph 23
- Draft National Planning Policy Framework:
 - Paragraph 86
- London Plan (2016):
 - Policy 2.15: Town centres
 - Policy 4.7: Retail and town centre development
 - Town Centres SPG (2014)
- Draft London Plan (2017)
 - Policy SD6: Town centres
 - Policy SD7: Town centre network
 - Policy SD8: Town centres: development principles and Development Plan Documents

Summary

Please let us know if there are any further policies that should be considered. We are happy to meet with you to discuss the above comments in further detail. In the meantime, please contact Chris Gascoigne or Joe Stockton at this office should you have any queries.

Yours faithfully,

DP9 Ltd

DP9 Ltd

PPA Agreement between the London Legacy Development Corporation and Stratford Garden Property Limited

Site Address: Land off Angel Lane, Stratford City

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1.0 Background and Purpose

The purpose of this Planning Performance Agreement (PPA) is to provide a project management framework and to promote an open and collaborative relationship between the applicant and the LPA with an agreed set of tasks, timescales and commitment to meeting costs. In the event that circumstances change or timetabled dates require alteration, a review and agreed amendment to the programme will be sought.

This Planning Performance Agreement (the "PPA") relates to the submission of a planning application for a new entertainment venue at land off Angel Lane, Stratford City.

An associated application for Advertisement Consent will be submitted alongside the planning application.

2.0 Site and Development Proposal Description

The application site is within the Stratford Metropolitan Centre, and is adjacent to Westfield Stratford City Shopping Centre. The proposals comprise the following:

The construction of a multi-use entertainment and leisure building with an illuminated external display encompassing a range of uses including a small venue/nightclub, retail and restaurants (Sui Generis)

2.1 Key LPA Contact Details

- Anthony Hollingsworth – Director of Planning Policy and Decisions
- Catherine Smyth - Planning Development Manager (Planning Policy & Decisions Team)
- Daniel Davies - Principal Planner (Planning Policy and Decisions Team)

2.2 Key Applicant Contact Details

- Jayne McGivern – Stratford Garden Property Limited
- Chris Goddard, Director, DP9
- Chris Gascoigne, Director, DP9
- Joe Stockton, Senior Planner, DP9

General Principles

1.1 The objective of this PPA is one of co-operation and consistency throughout the negotiation and determination of the Planning Application to provide a degree of certainty for the intended outcomes and to improve the quality of the Development and of the planning decision.

1.2 The Parties agree to be governed at all times by the following principles:

- **Principle 1:** To work together as a team and in good faith, and to respect each other's interests and confidentiality.
- **Principle 2:** To commit and provide promptly information to support and manage the planning application process.
- **Principle 3:** To be transparent and consistent at all times between all parties so that outcomes are anticipated, defined and understood.
- **Principle 4:** To provide effective involvement and consultation with the surrounding community, statutory and other stakeholders, and any individual or group with a legitimate interest.

- **Principle 5:** To reach agreement on milestones which will remain fixed unless agreed otherwise.
- **Principle 6:** To identify and involve specialist consultees and advisors where appropriate.

3.0 Key planning policy documents

3.1 The relevant policies and guidance documents applicable to the applications are:

National Policy and Guidance

3.2 The following national policy and guidance are of particular relevance to the Application:

- 3.2.1 National Planning Policy Framework (August 2018)
- 3.2.2 National Planning Practice Guidance

Strategic and Local Policy

3.3 The Adopted policies currently comprise:

- 3.3.1 The London Plan (2016)
- 3.3.2 LLDC Local Plan (2015)

3.4 The Emerging policies comprise;

- 3.4.1 The Draft London Plan (2017)

4.0 Pre-application Discussions

The timetable will be reviewed between both parties and amended as necessary to take account of any relevant unforeseen matters that might arise.

Pre-application Meetings

6th March 2018 – w/c 24th September 2018 – Weekly Pre-application Meetings (refer to Appendix 1 – Preapplication Meeting Schedule).

Up to four Pre-application meetings will be attended by lawyers acting for the Applicant, LLDC, Newham and (if required) Transport for London in order to discuss and agree outline heads of terms for a section 106 agreement prior to submission of the planning application.

Meetings will also be held with Newham Council to discuss and co-ordinate the interface between the planning application and the Applicant's premises licence application for the proposed venue, to ensure that any conditions are consistent and not duplicative.

LLDC Committee Briefings

26th March 2018 – Initial LLDC Committee Briefing Meeting

24th July 2018 – Second LLDC Committee Briefing Meeting

September/October – LLDC Committee Briefing Meeting

Public Consultation

May/June 2018 - Initial Public Consultation

September 2018 – Follow up Public Consultation

LLDC Quality Review Panel

12 July 2018 – LLDC Quality Review Panel

September 2018 – Second LLDC Quality Review Panel

EIA Scoping Process

w/c 6th August 2018 – Submission of EIA Scoping Report

w/c 10th September 2018 – Receipt of EIA Scoping Opinion

5.0 Application Costs

The applicant commits to cover the reasonable costs of the LPA associated with the assessment of the development proposals during pre-application stage and during the determination of the Planning Application, in addition to the planning application fee and legal costs associated with any s106 agreement.

London Legacy Development Corporation Pre-Application Costs

1. The Applicant commits to cover the LPA's reasonable costs associated with the pre-application programme of £232,000 (including VAT). This will include the provision of sufficient resources dedicated to the Planning Application to enable the programme at Section 4.0 to be achieved. The LPA will commit to attending weekly pre-application meetings through to the submission of the applications, as set out in Section 4.0. Written pre-application advice will be provided at the request of the Applicant, within 2 weeks from the receipt of this request.
2. The Applicant commits to producing notes of all pre-and post-submission meetings with the LPA and will circulate draft notes for agreement following each meeting.
3. The figures provided above are indicative only and the LPA shall provide the Applicant with details of the proposed costs and consultant, to agree, prior to the appointment of each consultant.
4. The LLDC and Stratford Gardens Ltd agree that the sums above shall be paid instalments as follows:
 - 25% up signing of this PPA (£58,000)
 - 25% upon submission of the planning application
 - 25% upon conclusion of the first round of public consultation
 - 25% or whatever remains outstanding prior to the publication of the planning committee report

6.0 Form and Content of the Application

The application will be submitted w/c 15th October 2018

Based on the emerging proposals the Applicant will agree with LLDC the application content. Please refer to the attached list of proposed application documents.

LLDC will notify the Applicant (through pre-application meetings with the Development Manager) if any additional documents will be required in support of the application.

The Applicant will provide 2 hard copies of all application documents to the LLDC 2 CD and 1 memory stick copies for consultation purposes and uploading onto the Local Planning Authority website. – additional copies maybe requested by the Case Officer, including additional disks for consultation purposes.

The London Legacy Development Corporation list of planning application requirements can be found on the website using the following link:-
<http://www.londonlegacy.co.uk/media/Validation-List-February-2013.pdf>

Please refer to the attached list of proposed application documents.

Documents to be uploaded onto the LPA's website should be in segments no larger than 5MB and should be provided via the Planning Portal.

7.0 Planning application submission date and draft post submission programme

Project Programme Timetable

The timetable will be reviewed between both parties and amended as necessary to take account of any relevant unforeseen matters that might arise.

Date	Formal Application Phase
w/c 15 th October 2018	Submit Planning Application (and Advert Consent application)
w/c 22 nd October 2018	Validation
November 2018 – February 2019	Fortnightly Post Submission Progress Meetings
December 2018 – January 2019	Weekly Legal Meetings to negotiate and finalise draft section 106 agreement
w/c 28 th January 2019	Draft conditions and section 106 agreement agreed
w/c 28 th January 2019	Committee Report Finalised
February 2019	Planning Decisions Committee (PDC) unless otherwise agreed (with LPA/Applicant).
w/c 4 th March 2019	Complete s106 Agreement
w/c 11 th March 2019	Commence GLA Stage 2 process
w/c 25 th March 2019	Issue Decision Notices

8.0 Nature of Agreement

Nothing in this Agreement shall fetter or restrict the LPA in the exercise of its powers or duties under any enactment, statutory instrument, regulation, order, or power for the time being in force.

The LPA enters into this Agreement on the basis that it is without prejudice to its determination of the planning application and nothing in this Agreement is intended to commit to the delivery of an approval of the Planning Application.

Nothing in this agreement shall restrict or inhibit the Applicant from exercising its right or appeal under Section 78 of the Town and Country Planning Act 1990 in respect of a refusal of the planning application, or non-determination of the application if determination does not keep within the agreed timetable set out in this PPA or any subsequent amended date as agreed with the applicant or applicant representatives.

9.0 Freedom of Information

The Applicant may identify clearly any information submitted to the LPA which it considers should not be disclosed in response to any request received by any public authority pursuant to either the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004.

If requested by the LPA the Applicant will set out in full the reasons why the Applicant considers that such information should not be disclosed and in doing so specify the exemption or exception the Applicant considers is applicable and the way in which the exemption or exception and/or public interest should be applied.

The LPA agrees that if it receives a request from a third party for disclosure of information not in the public domain submitted by the Applicant (or any of its consultant or legal team) the LPA will advise the Applicant in relation to the request for disclosure before issuing a response to the request and if the Applicant responds take account of any comments and recommendations the Applicant may have.

Without prejudice to any statutory requirement on the LPA to disclose information, the LPA agrees that all information and documents marked as commercially sensitive by the Applicant and which are not otherwise readily available to the public and provided by the Applicant to the LPA as part of the pre or post application discussions or submissions are provided to the LPA under an obligation of confidence.

10.0 Agreement

The London Legacy Development Corporation and Stratford Garden Property Limited (the Applicant) agree to the content of this Planning Performance Agreement.

London Legacy Development Corporation

Name:Anthony Hollingsworth.....
Signature: A. Hollingsworth
Position: Director of Planning Policy and Decisions
.....
On Behalf Of: LLDC
Date: 20.08.18

Stratford Garden Property Limited

Name: .. Jayne McGovern.....
Signature: J. McGovern
Position: E.V.P. DEVELOPMENT AND CONSTRUCTION
On Behalf Of: Stratford Garden Property Limited
Date: 20.08.18

11.0 Appendices

Planning Deliverables

Planning Application

The planning deliverables for the Planning Application will be as follows:

- Application Form, Ownership Certificate and Notices
 - CIL Additional Information Form
 - Site Location Plan (1:1250)
 - Existing Site Plan
 - Proposed Elevations, Sections and Floor Plans
 - Proposed Landscaping Plans
 - Design and Access Statement
 - Planning Statement
 - Outline heads of terms for section 106 agreement
 - Equality Impact Statement
 - Economic/Demand Assessment
 - Statement of Convergence
 - Statement of Community Involvement
 - Traffic and Transport, including:
 - Transport Assessment
 - Draft Event Day Travel Plan
 - Draft Non-Event Day Travel Plan
 - Draft Event Management Plan
 - Draft Construction Logistics Plan
 - Draft Delivery and Servicing Plan
 - Archaeological Desk Based Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Foul Sewage and Utilities Assessment
 - Operational Waste Management Strategy
 - Ground Conditions and Contamination Report (including Geotechnical surveys)
 - Ecology and Biodiversity Report
 - Energy Strategy
 - Sustainability Statement
 - Ventilation/Extraction Statement
 - Aviation Impact Assessment
-
- Environmental Statement, containing the following chapters

ES Volume 1: Main ES: comprising several non-technical and technical chapters:

- Chapter 1: Introduction and EIA Methodology
- Chapter 2: Alternatives & Design Evolution

- Chapter 3: The Proposed Development;
- Chapter 4: Construction;
- Chapter 5: Socio-Economics and Health;
- Chapter 6: Highways, Transport and Movement;
- Chapter 7: Wind Microclimate;
- Chapter 8: Daylight, Sunlight and Overshadowing;
- Chapter 9: Light Pollution and Solar Glare;
- Chapter 10: Air Quality;
- Chapter 11: Noise and Vibration;
- Chapter 12: Effect Interactions;
- Chapter 13: Mitigation and Monitoring Schedule;
- Chapter 14: Likely Significant Effects and Conclusions; and
- Chapter 15: Glossary and Abbreviations.

ES Volume 2: Heritage, Townscape and Visual Impact Assessment – a separate built heritage, townscape and visual impact assessment (HTVIA) document that will be accompanied by a full set of views and verified images, as agreed with LLDC as part of this EIA Scoping Process.

ES Volume 3: Appendices – comprises background data, technical reports, tables, figures and surveys.

ES Non-Technical Summary (NTS) - this will be a separate document providing a concise description of the Proposed Development, the alternatives considered, any identified mitigation measures and the residual likely significant environmental and socio-economic effects.

Advert Consent application

The planning deliverables for the Advert Consent application will be as follows:

- Application Form, Ownership Certificate and Notices
- Site Location Plan
- Existing Site Plan
- Proposed Site Plan
- Proposed Elevations
- Design and Access Statement
- Planning Statement (including 'code of conduct' regarding the main principles for displaying adverts).
- Safety report (to demonstrate road, rail, air safety)
- Lighting Assessment (to assess amenity)
- Heritage/Townscape Assessment (to assess amenity)

Appendix 1 – Pre-application Meeting Schedule

Committee Briefing Item 3



Subject: Madison Square Gardens (Chobham Farm South) (PREAPP/18/00014)
Meeting date: 27 March 2018
Report to: Planning Decisions Committee
Report of: Daniel Davies, Principal Planning Development Manager

FOR INFORMATION

This report will be considered in private

1. Project team:

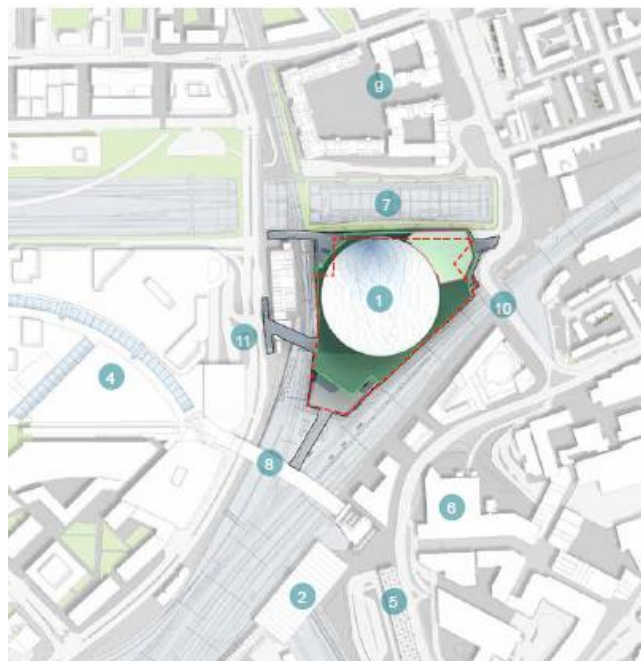
Client/Applicant:	Stratford Garden Property Limited
Planning Agent:	DP9
Architect:	Populous

2. Reason for Briefing

To brief Members on emerging proposals for a large scale state-of-the-art entertainment and e-gaming venue adjacent to Westfield Stratford City Shopping Centre. The applicant is intending to submit a full planning application and other related consents in by October 2018.

Figure 1: Site Plan

- 1. Site
- 2. Stratford Underground
- 3. Stratford International Station
- 4. Westfield Stratford City
- 5. Stratford Bus Station
- 6. Stratford Centre
- 7. HS1
- 8. Link Bridge
- 9. Chobham Farm Residential
- 10. Angel Lane
- 11. Montfichet Road



3. Site Description and background

The site is triangular in shape and 'land locked' by railway lines to the west and east, and High Speed 1 (HS1) 'Box' to the north. It lies within the Stratford Metropolitan Centre and adjacent to Westfield Shopping City. The sole existing access to the site is via an entrance on Angel Lane.

Previously the site accommodated facilities to provide logistical support during the 2012 Olympic and Paralympic Games such as coach drop-off and coach parking.

Beyond the site to the north construction is underway by Telford Homes who are constructing a mixed-use scheme comprising 471 residential dwellings, commercial floorspace and a nursery (15/00266/REM).

To the east beyond Angel Lane the site is flanked by the Moxy, the Unite Student Housing Scheme and residential tower under construction by Telford Homes.

4. The Proposed Development

Full planning permission will be sought to construct an entertainment venue which along with music and e-gaming will have associated ancillary retail uses and office space.

The venue will have capacity for between 18,150 -22,000 patrons and will require the construction of up to 3 bridges from the site to the adjoining areas to enable pedestrian access. Two of the bridges will extend from the site to Montfichet Road one landing to the north and one to the south of the energy centre (see Figure 3). There are also proposals for a central bridge that connect with the link bridge between the Stratford Centre and Westfield.

The venue would be clad in a material which incorporates LED's and will be capable of projecting images and adverts. Advertising consent will be sought alongside the full application.

5. Relevant Planning History

The site was previously used during the 2012 Olympic and Paralympic Games for coach drop-off and coach parking. Engineering and reconfiguration of levels was consented to provide a cleared site for future development.

The application proposals will be subject to pre-application consultation with the LLDC.

The site lies just outside of Zone 1 of Stratford City which benefits from Outline Planning Permission 10/90641/EXTODA.

6. Key Policy Considerations

- National Planning Policy Framework, March 2012
- The London Plan, March 2016

- LLDC Local Plan, July 2015:
- Site Allocation SA3.1: Stratford Town Centre West;
- Policy B.2:5 Thriving town, neighbourhood and local centres;
- Draft NPPF (2018)
- Draft London Plan (2017)

The local plan site allocation requires development on this site to provide a large-scale town centre use with supporting elements. The proposals comply with this aspiration in land use terms and further details will be developed regarding the quantum and type of ancillary retail facilities.

7. Quality Review Panel (QRP)

The Scheme is scheduled to be presented to QRP in May and July 2018.

Key Issues

The key planning considerations are:

- Massing of venue and its relationship to the surrounding context
- Townscape and visual impacts
- The external appearance of the building 'at rest and at play' during the day and night
- Illumination impacts and residential amenity
- Accessibility and inclusive access
- Crowd/Event Management
- Opportunities to improve the interchange at Stratford Station
- Impact of traffic generation/operational vehicle movements
- Landscaping and public access to podium
- Local benefits of venue
- Phasing of infrastructure delivery
- Cumulative impact with other venues

The application is referable to the GLA and accompanied by an Environmental Impact Statement.

Figure 3: Madison Square Garden Sphere – Night-time

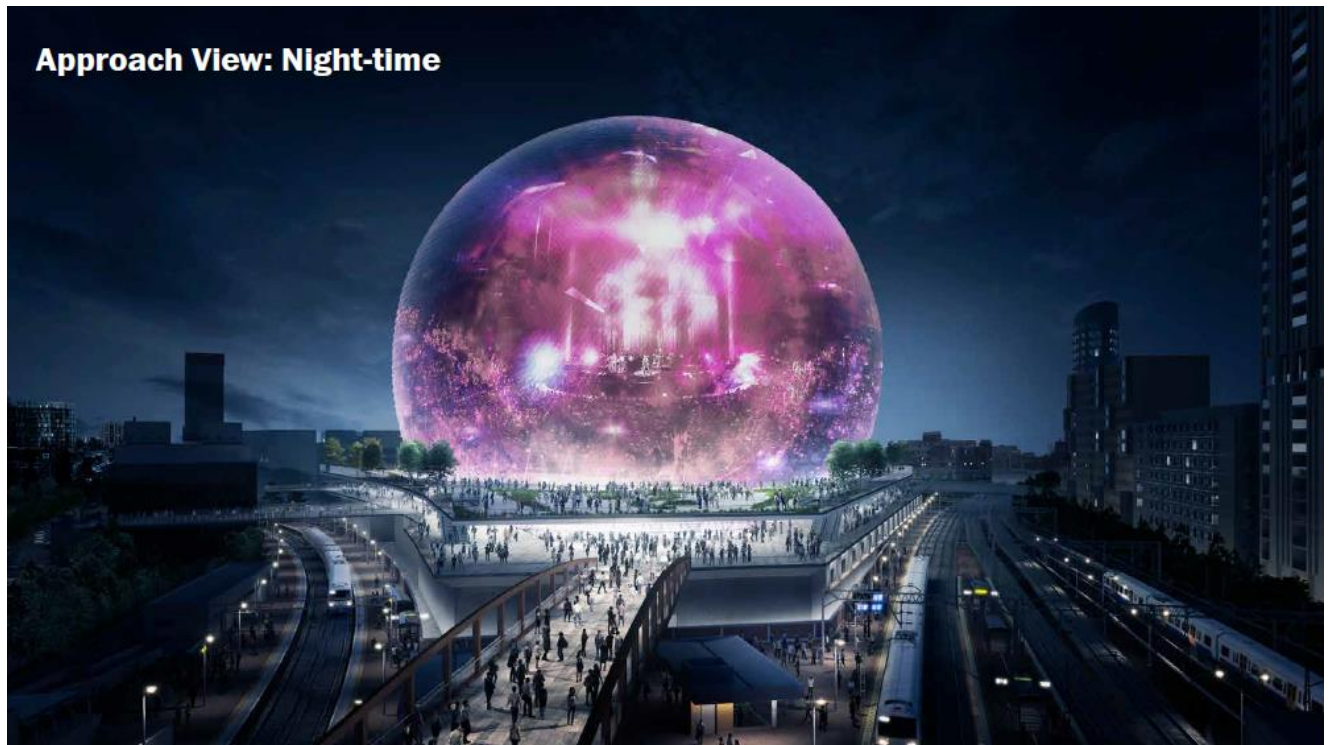


Figure 3: Madison Square Garden Sphere – Day-time



Montfichet Road Vision

1. Purpose

This document sets out a vision and design objectives for Montfichet Road to support the London Legacy Development Corporation's (LLDC) Planning Policy and Decisions Team (PPDT) in discussions with Maddison Square Gardens who are in pre-app discussions for a proposed arena which uses the road for its main access. It will help steer the delivery of a successful street which is fit for the change brought about by the forthcoming development. Any development that interfaces with or impacts on Montfichet Road should fundamentally improve the character and functionality of the road and should meet the vision, aspirations and design objectives set out below.

2. Vision and Design Objectives

2.1 Vision

The vision for Montfichet Road is for it to be a welcoming public street that is easy to navigate for all users including older and disabled users. It will be reduced from four to two lanes, which would provide the opportunity to have generous wide pavements that will facilitate ease of movement throughout the day as an attractive public amenity space. Pedestrians and users of public transport should now be prioritised over the private vehicles. Planting should be put in to humanise the environment.

As a street, it has multiple functions and these are expected to be seamlessly accommodated in a coordinated overall design that functions throughout the day, into the evening and during major events in the area.

A boundary is identified in image 1 which shows the minimum extent for any street proposals.

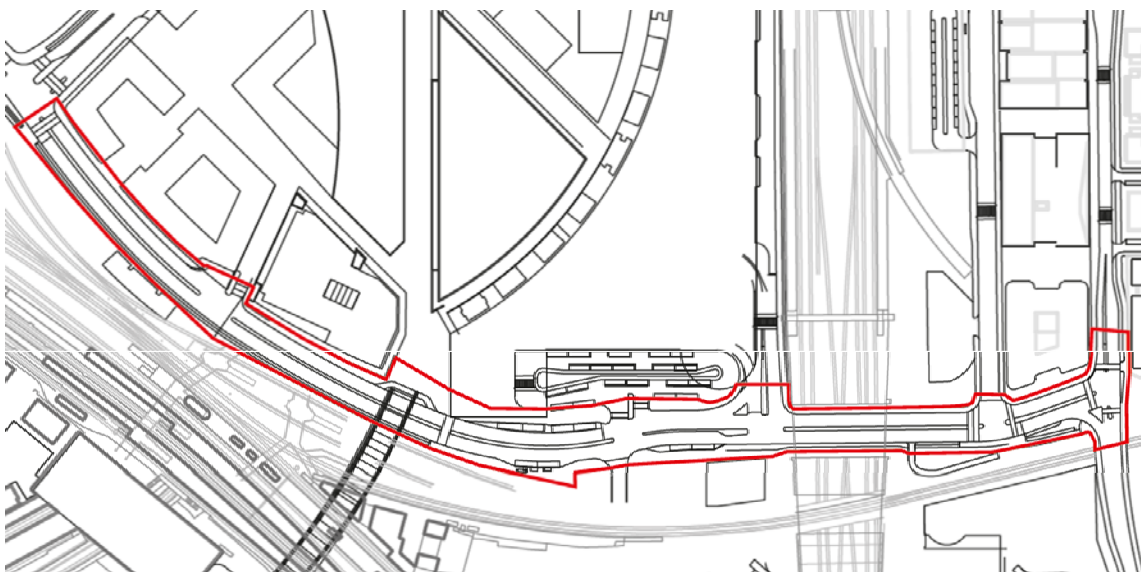


Image 1. MSG Montfichet Road Scope Boundary

3. The Site and Surroundings

To mitigate impact on Montfichet Road, broader changes will need to be implemented. For example, to remove a dual carriageway this is better carried out along the whole length. To have the ability to change the cycle lane this would need to occur along the whole length.

The site is a four-lane road corridor for the majority of its length that connects Warton Road at the railway underbridge to the south with Penny Brookes Road. There are several signalised pedestrian crossings, a central median and exit from the bus station, Westfield car park and service area. Westfield lies to west with the energy centre, Overground railway line and opportunity site to the east. It has a taxi rank, bus stops and cycle route. A pedestrian walkway (Stratford Link Bridge) crosses the road connecting Westfield with Stratford Town Centre.

3.1 Key Issues

Key issues to be addressed to facilitate greater pedestrian use to include the following (not exhaustive):

- Pedestrian facilities should cater for key desire lines
- There are numerous signalised crossings in close proximity to one another
- Pedestrian access in and out of the bus and coach stops, energy centre and Stratford Regional Station needs to be intuitive.
- Bus stops are far from the station.
- The bus station is designed for operational requirements with no pedestrian access, having a negative impact on the character of Montfichet Road, for this to retain bus capacity and accommodate more pedestrians the impact of this on the street should be mitigated.
- Wide dual carriageways and generous corner geometries allow for high speed vehicle movements.
- Cycle lanes should not conflict with pedestrians and bus / coach stops and junctions.
- Street furniture and objects conflict with pedestrian areas and cycle lane; there is an opportunity to rationalise and declutter while including hostile vehicle mitigation
- The area is lacking greenery, and what planting does exist is uncoordinated and out of scale with the surrounding buildings.
- Major events in the area and evacuation muster points means large crowds need to be accommodated safely. Piecemeal interventions will worsen the street environment.

3.2 Design Aspirations

Design aspirations for Montfichet Road include:

- A welcoming arrival as an important interchange to local destinations, QEOP and Stratford Metropolitan Centre. Intuitive wayfinding and legible urban design to make the space easy to navigate
- A pleasant environment for people waiting or transiting through; creating meeting points for people attending events or accessing local amenities
- A place that increases the amount of tree cover and biodiversity – that looks attractive and is inviting throughout the year,
- Tree planting to mitigate the visual impact of proposed building structures along the length of the street.
- Sufficient space for access and circulation reducing visual clutter associated with transport infrastructure and rationalising bollards,
- Rationalised carriageway widths as the road is over capacity for traffic flows and reassign space for pedestrians and cyclists while providing for bus, coach and taxi requirements.
- Perceived as a safe and secure environment which can accommodate medium to large event crowd movements, ideally without requiring road closures,
- Inclusive and fully accessible considering the needs of a wide range of people; local residents, children, people working nearby, commuters, tourists and visitors;
- Provide equitable ease of movement for all users, including older people and disabled people, across all transport modes
- Unobstructed routes for cyclists
- Integration of the bus and coach stops and bus stands and taxi rank successfully into the overall street
- Reduce the requirement for temporary infrastructure or stewarding for event management.

The design should attempt to satisfy the different challenges in a balanced and wholistic way through consideration of the benefits as whole.

Special cases such as large-scale event management should be taken in consideration for example the road may be closed and managed, with alternative bus / coach / taxi arrangements, information and wayfinding and clearly understood – e.g. existing event day taxi rank operates near bus station when road is closed

3.3 Key Design Outcomes

The Key Design Objectives include:

- Creation of high quality public realm that meets the highest levels of inclusion and accessibility (including meeting LLDC's Inclusive Design Standards, as required by planning policy);
- Use of high quality materials and planting that are robust, beautiful and easy to maintain;

- Prioritise pedestrian movement and accommodate the remaining modes of transport to ensure that these are safe and fit for their use (establish and agree desire lines for pedestrian circulation);
- Significantly increase the number of trees along the street, planted at an appropriate scale to have an immediate impact but to grow sustainability, in widened footways.
- Should accommodate the ability to restrict / prevent vehicle access and circulation, during specific medium to large events (e.g. stadium / MSG operation);
- Integration of pick up / drop off / waiting areas for pedestrians related to buses and taxis; coaches
- Integration of an accessible drop off for disabled people being dropped off by private vehicle, taxi or accessible private hire . The current rank should be rationalised.
- Street should function in both medium to large events and day-to-day without the need for expensive additional measures and allow for ease of temporary security or fencing to be integrated;
- Recognition of the needs of different user groups and their demands on the space over the weekly/monthly etc. life of the road;
- Each node should be clear about how different modes are prioritised to induce different user behaviours and reduce conflict;
- Design to consider ease of management and maintenance;
- Reinforcement of the role of Montfichet Road as a key arrival point into Stratford Metropolitan Centre and the QEOP;
- Connect into the wider green infrastructure network;
- Balancing of green space with paved areas to create a pleasant environment, improve biodiversity and use sustainable design such as SUDs systems;
- Knitting together the sites that front onto Montfichet Road including the bus station and future developments;
- Recognition of the role of Montfichet Road in its wider urban context and how it will connect and integrate with its surroundings;
- Delivery of a robust and sustainable series of spaces;
- Inclusion of improvements to lighting, wayfinding etc;
- An integrated cycle strategy and cycle parking approach;
- An integrated security strategy including HVM integrated into the streetscene; and
- Integrate any ingress / egress from existing buildings or developments (for example Energy Centre, Westfield emergency access).

2.4 Key interfaces and adjacent developments

These are the key interfaces for any proposal to consider:

- Madison Square Garden's public realm and route through the site – seamless connection to Montfichet Road from Angel Lane
- Stratford Link Bridge interface
- Westfield/Cherry Park
- Bus Station
- On street bus and coach stops

- Taxi Rank
- Energy Centre

3.4 The Existing Site and Site Boundaries

The extent of Montfichet Road to which this document relates includes the whole length from Westfield Avenue to Penny Brook Street. See red line boundary drawing in image 1

3.5 Ownership

The road is owned by London Borough of Newham, but there is an LLDC Freehold Title – section from Warton Road to Carpenters Road underpass running along the UCLe site. Designs need to be adopted by London Borough of Newham.