

Subject: Developing Planning Policy for the London Legacy Development Corporation
Agenda item: Public item 6
Report No: 2
Meeting date: 22 May 2012
Report to: Board
Report of: Vivienne Ramsey – Director of Planning Decisions, ODA & Director Designate Development Corporation, Planning Policy and Decision Team

FOR NOTING

This report will be considered in public

1. SUMMARY

- 1.1. The Development Corporation becomes a planning authority with the full range of planning powers (plan making as well as planning decisions) on 1st October 2012. The Development Corporation will therefore need to commence preparation of its local planning documents very promptly in order to ensure that it has an adopted Local Plan and Community Infrastructure Levy (CIL) charging schedule in place by April 2014 when restrictions are placed on the use of S106 Agreements. The Board will receive a report seeking agreement to the draft Local Development Scheme (effectively a policy preparation plan/programme) soon after becoming a Local Planning Authority.
- 1.2. As the preparation and adoption timetable is very challenging, the Olympic Delivery Authority Planning Decisions Team (ODA PDT) is undertaking some necessary preparatory work over the summer and the Board is asked to note that this work is being done.

2. RECOMMENDATION

- 2.1 The Board members are invited to **NOTE**:
 - i) The preparatory work being undertaken by ODA PDT
 - ii) That they will receive a report after the Development Corporation becomes a Local Planning Authority seeking agreement to the draft Local Development Scheme.

3. TIMING

- 3.1. The aim of the initial policy work for the Development Corporation would be to have a Local Plan consisting of a Core Strategy, Infrastructure Delivery Plan and a CIL Charging Schedule in place within 18 – 24 months with a long stop date of 6th April 2014 to ensure that the impact of restrictions on S106 contributions are mitigated. This is a challenging timetable when many Local Planning Authorities

have taken five years or more to get their plans in place, but necessary if the Development Corporation is to ensure that it is clearly articulating its vision, strategy and policies and able to charge a Levy for the infrastructure necessary to support growth in the area.

4. BACKGROUND

- 4.1. The Mayor of London has decided that the Development Corporation should have all the planning functions and powers specified in the Localism Act. This will cover nearly the full range of development management such as planning applications, appeals, enforcement, listed building consents, Tree Preservation Orders etc as well as plan making i.e. preparing the Local Plan for the area. It will also be able to make a Community Infrastructure Levy (CIL) charge as it will become a CIL charging authority. The Development Corporation will become a planning authority on the 1st October 2012 and the relevant statutory instruments to “turn on” the Development Corporation planning powers will be laid in Parliament during the summer. Staff from the ODA PDT together with two officers from the London Thames Gateway Development Corporation (LTGDC) will transfer to the Development Corporation on 1st October 2012. The Chief Executive of the ODA is content that ODA PDT staff assist the Development Corporation in making all the necessary preparations to ensure that it has a functioning planning service on 1st October 2012. The LTGDC has also indicated that it is prepared to allow early input from one of its transferring officers to assist with plan preparation work.
- 4.2. In April 2014 restrictions will be placed on the use of S106 agreements such that they cannot be used to provide a wide range of infrastructure nor can funds raised via S106 be pooled. Local Planning Authorities will therefore need to prepare their CIL Charging Schedule which has to relate to the infrastructure needs and delivery plan for the area and the plan policies to ensure that they have all been assessed and tested in an integrated fashion and can be robustly justified. This timescale is very challenging for the scale of work necessary to prepare a minimum suite of documents and the evidence base to support them. The Development Corporation will therefore need to commence preparation very promptly in order to articulate its policies and proposals. These will build on the London Plan and the Olympic Legacy Supplementary Planning Guidance (SPG) and Borough adopted plans but will remove areas of incompatibility between Borough policies.

5. PROPOSED APPROACH TO THE DEVELOPMENT CORPORATION PLAN

- 5.1. The current local planning process comprises a suite of documents which a Local Planning Authority either has to prepare or which in addition it could prepare in order to articulate its vision and strategy, policies and proposals for its area. The government has indicated recently that it intends to simplify the local planning process to allow a Local Plan comprising one document and if it does then the recommended approach may be amended to meet the new option.
- 5.2. There will need to be a transition period and process in place that relies on the current adopted borough planning policy while the Development Corporation policy documents are put in place. The aim should be to review, update and where necessary reshape the local planning policy (and accompanying evidence base) to ensure it is focused on delivery. This is considered to be a sensible approach, rather than seeking to start with a ‘blank sheet’, to achieve a single coherent local policy framework for the Development Corporation area below the strategic policy level of the London Plan and in more detail than is possible for the Mayor’s Olympic Legacy SPG.

- 5.3. In essence, there would be an opportunity to build on the Borough Local Development Framework work (adopted and developing Core Strategies and Area Action Plans) and evidence base that has already been put in place and to shape this work to the priorities of the Development Corporation. This will help speed the process up and be the most cost-effective, though clearly appropriate adjustments would need to be considered to align with Development Corporation priorities and objectives.

6. PROPOSED PREPARATORY WORK

- 6.1. Over the summer officers intend to begin work on reviewing the existing evidence bases which have formed the base for the Host Boroughs Core Strategies, including the Strategic Housing Market Assessments and business needs evidence base, review the sustainability appraisal and begin preparation of an evidence base on economic viability.
- 6.2. Officers will also seek to reach agreement with Boroughs, the Local Enterprise Partnership and other key stakeholders such as health providers on systems of cooperative working. This is likely to be articulated in a memorandum of understanding, but as a first step officers will hold workshops with all the key players to scope out and discuss the likely matters to be covered.
- 6.3. Preparation will also commence on the draft Local Development Scheme (LDS) which is essentially the policy preparation plan and programme. This is a legal requirement and has to be approved by the Mayor of London. It is intended to bring the draft LDS to the Development Corporation Board as soon after 1st October 2012 as is practicable.

7. CONCLUSION

- 7.1. The Board is asked to note the preparatory work being undertaken by officers from the ODA PDT and LTGDC towards the Development Corporations Local Plan and CIL Charging Schedule and to note that they will receive a report seeking agreement to the draft LDS as soon after becoming a LPA as is practicable.

8. LEGAL IMPLICATIONS

- 8.1. The London Legacy Development Corporation is a mayoral development corporation established by the London Legacy Development Corporation (Establishment) Order 2012, under the provisions of the Localism Act 2011.
- 8.2. The Mayor of London may decide after consultation that a mayoral development corporation shall have development control and development planning powers as set out in the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 for all or part of the mayoral development area. S/he may also decide that the corporation shall have further supplementary planning functions under the Local Government and Land Act 1980 and the Electricity Act 1989. The Mayor has decided that the London Legacy Development Corporation shall have all of these functions for all of the development area and the Secretary of State must now make an order transferring them to the Corporation from the ODA, the LTGDC and the Host Boroughs (sections 198 and 202 of the Localism Act 2011).

9. PRIORITY THEMES

- 9.1 The Development Corporation's priority themes will be reflected in the development of its planning policy.

List of Background Papers:

- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Localism Act

Report originator(s): Vivienne Ramsey
Telephone: 0208 430 6020
Email: Vivienne.Ramsey@london2012.com