

Subject: Mayor of London Olympic Legacy Supplementary Planning Guidance
Agenda item: Public item 11
Report No: 8
Meeting date: 27/09/2012
Report to: Board
Report of/by: Vivienne Ramsey, Director Designate of Planning Policy and Decisions

FOR DECISION

This report will be considered in public

1. SUMMARY

- 1.1. This report considers the request by the Mayor of London for endorsement of his recently published Olympic Legacy Supplementary Planning Guidance (OLSPG). The purpose of the OLSPG is to supplement and apply London Plan policy, setting out the Mayor's strategic priorities and long-term vision for the Queen Elizabeth Olympic Park and its surrounding areas. The area covered by the guidance within the document includes the LLDC area and surrounding areas. The guidance has been developed over time in collaboration with relevant public bodies involved in the regeneration of the Lower Lea Valley including the boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest as relevant local plan making authorities. The guidance integrates the Convergence themes from the Strategic Regeneration Framework and broadly reflects the visions, policies and proposals within adopted and emerging borough local plan documents. It is considered that the OLSPG provides a helpful sub-regional level of planning guidance for the part of East London in question and it is recommended that the Board agree to endorse the document as requested by the Mayor of London.

2. RECOMMENDATIONS

- 2.1 The Board members are invited to **AGREE** to endorse the Olympic Legacy Supplementary Planning Guidance as requested by the Mayor of London.

3. BACKGROUND

- 3.1. In July 2012, the Mayor of London formally published his Olympic Legacy Supplementary Planning Guidance (OLSPG). He subsequently wrote to Daniel Moylan as Chairman of LLDC, requesting that the Corporation formally endorse the contents of the document and reflect its guidance in the proposals within its planning applications, the planning decisions that it will make as a local planning authority and in the development of its local plan.

Status of the OLSPG

- 3.2. The guidance within the OLSPG has been prepared under the general powers given to the Mayor by Section 30 of the Greater London Authority Act 1999.

Unlike the London Plan this does not form part of the formal local development plan but does provide further guidance on policy contained within the London Plan. While not part of formal adopted planning policy and having not been subject to the equivalent level of public consultation or an examination, it does have material weight in making planning decisions having been subject to public consultation and Strategic Environmental Assessment . The OLSPG has also drawn together as far practical, the relevant policies and proposals within the borough adopted and emerging formal development plan documents.

- 3.3. A decision to endorse this document will not change the material weight that it already has but would act as an indication of support for the vision and strategic guidance that it contains. Given the strategic, sub-regional nature of the document, it is not considered that it would fetter the LLDC in its role as a local planning authority with plan making powers in the preparation of its own Local Plan.

Relationship between the OLSPG and the Legacy Communities Scheme

- 3.4. The LLDC's Legacy Communities Scheme planning application has a 'resolution to grant' planning permission from the ODA's Planning Committee, with the Committee resolution being assessed on the basis of current planning policy, including the consultation draft of the OLSPG. The Mayor of London has subsequently indicated that he is content with the resolution of the committee and confirmed that he does not wish to direct refusal of this application. Likewise the Secretary of State has confirmed that he does not wish to call-in the application for his own determination and is content for the local planning authority to continue to determine the application. Where a planning permission is issued for the LCS planning application, this will establish a detailed development baseline for development within the Olympic Park part of the LLDC area.

The Purpose of the OLSPG

- 3.5. Section 1.3 of the OLSPG states that "the guidance provides a strategic town planning framework for:
- the investment plans and decisions of individual landowners and developers whose actions will help realise much of the change this Guidance promotes
 - local development plans produced by Hackney, Newham, Tower Hamlets and Waltham Forest councils and the London Legacy Development Corporation
 - The development and investment priorities of other public sector bodies and agencies, such as Transport for London, British Waterways and the Lee Valley Regional Park Authority ...

It also provides a framework for the decisions and planning priorities of the London Legacy Development Corporation (LLDC) that it is envisaged will have plan making powers and planning decisions powers for the core area that the guidance covers."

- 3.6. The OLSPG is also accompanied by an Infrastructure Study that looks at the broad infrastructure needs of the area and how this infrastructure might be delivered. A transport study and broad development capacity study were also carried out to support the development of the guidance.

The Structure and Contents of the SPG

- 3.7. The OLSPG sets out a vision for its area, focusing on the regeneration of Stratford and delivery of the Olympic Park as basis for the revitalisation of the surrounding areas and achievement of the Strategic Regeneration Framework (SRF) Convergence objectives.
- 3.8. A range of 'Development Principles' are then set out providing interpretation of key London Plan policy areas for the OLSPG locations. Five sub-areas are then defined by their location and general spatial characteristics. A vision and a broad approach to land-use distribution, development capacity and infrastructure and community facilities is presented for each. These sub-areas are:
 - The Olympic Park
 - Stratford
 - Southern Olympic Fringe
 - Hackney Wick and Fish Island
 - Northern Olympic Fringe
- 3.9. In total, a potential for 32,000 new homes and 1,320,000 sq m of commercial floorspace within the OLSPG area has been identified. which it is considered would result in an increase in population of 76,000. The quantum of development envisaged within the document has been calculated using a development capacity methodology which is set out in a report which accompanies the OLSPG. It is understood that the figures also take into account the development capacity figures developed by each borough as part of their respect Local Development Frameworks and are broadly consistent with these. Account has also been taken of the amount and mix of development within the LLDC Legacy Communities Scheme planning application.

Reflecting its strategic nature, the document does not present the development capacity information in a way that allows this to be disaggregated and specific levels of development capacity identified for the LLDC area as a whole. The areas of change that are identified as having the ability to deliver the majority of the development envisaged are predominantly but not exclusively within the LLDC area and can be said to approximate to about two thirds of the residential capacity and a similar proportion of commercial floorspace. The OLSPG addresses the period to 2030 and so is consistent with the current London Plan.
- 3.10. A range of social infrastructure requirements to support the development levels envisaged are outlined and consist of the following:
 - 31 GPs and 33 dentists
 - swimming pools and 4-5 sports halls
 - 71.4ha of new open space
 - 4,561 sq m of community space
 - Three libraries
 - Nursery provision – 1,080 places
 - Primary School – 39 forms of entry
 - Secondary School – 32 forms of entry
 - Sixth form – 20 forms of entry
- 3.11. The OLSPG does not make specific assumptions about where this identified general need for new social infrastructure capacity should be met. The Legacy Communities Scheme presents an opportunity to meet a proportion of the overall need. However, given its strategic nature, the resolution of detailed need, capacity and location is left to the local planning authorities and their own Local Plans.

- 3.12. Development capacity, land-use designations and infrastructure requirements within the LLDC area will need to be examined and tested in detail through the LLDC's own Local Plan and Infrastructure Delivery Plan evidence base and development processes. This more detailed work will need to examine the type, quantum and potential locations and costs for the new infrastructure required and an Infrastructure Delivery Plan will be required to help identify this and provide and appropriate evidence base for formal Examination of the plan.
- 3.13. A chapter addressing the high level principles of delivery are also set out. A broad range of infrastructure requirements considered necessary to deliver the strategic development scenarios presented within the document are identified. Potential costs for these are also included. A total infrastructure cost estimate of £636.2 million is identified with a potential for contributions from financial contributions from development through planning obligations and through any borough or LLDC Community Infrastructure Levy being estimated at up to £320 million. 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 Examination. Any monies raised are required to be spent supporting infrastructure required to support new development within the planning authority area.
- 3.14. The £636.2 million infrastructure cost has been identified through a 'high level' Infrastructure Delivery Study and identifies only potential sources of funding rather than making specific assumptions that can be translated as being a cost on specific providers or agencies such as the LLDC. The £320 million figure has been estimated by assuming that the London Thames Gateway S106 Tariff of £10,000 per residential unit has been collected across the OLSPG area. Any LLDC or Borough CIL will be calculated differently and may result in a figure at variance with this general assumption, particularly as CIL is a 'per square metre' charge and may, with some exemptions, be charged on all types of development.
- 3.15. One key area for new social infrastructure investment which is highlighted is that of education, identifying a significant new need based on the GLA analysis of the population profile that would emerge from the development scenarios that are presented in the document which equate to 32,000 new homes. The Guidance strongly recommends that the LLDC address this issue as a priority. The education infrastructure planned as part of the Legacy Communities Scheme will meet a part of the overall identified need, and, as with other infrastructure need, further detailed work will be required as part of the LLDC Local Plan and related Infrastructure Delivery Plan.
- 3.16. It should also be noted, in the context of the education provision proposed within the Legacy Communities Scheme (LCS), that there is a specific variance between the LCS proposal for a primary school in Fish Island East (Sweetwater) area and the potential proposal for a secondary school as expressed within the London Borough of Tower Hamlets emerging Fish Island Area Action Plan, which is also reflected in the final version of the Mayor's OLSPG. Representations have been made by the LLDC to the Fish Island Area Action Plan Examination, and the Planning Inspector is due to provide his report subsequent to the Examination in the near future. This issue should also be considered in the light of decisions in respect of the Legacy Communities Scheme referred to at paragraph 3.4 of this report, and will be addressed further in the development of the LLDC Local Plan.

Supporting work and evidence base

- 3.17. A range of supporting documentation has been published alongside the OLSPG to support the approach that it takes. These are:

- Convergence Advice Note;
- Development Capacity Methodology Technical Report
- Habitats Regulations Assessment Interim Screening Report
- Infrastructure Delivery Study
- Integrated Impact Assessment
- Strategic Transport Study.

Consultation and collaboration in developing the OLSPG

- 3.18. The OLSPG has been developed over a period of time in collaboration with the affected Host Boroughs and other relevant agencies responsible for delivery of regeneration in east London, including the ODA, London Thames Gateway Development Corporation, Lea Valley Regional Park Authority and TfL. These organisations have been represented on a steering group from the outset of the process and as a result the shape, form and contents of the document have been refined overtime. In its final form the OLSPG broadly reflects and captures the strategic components of the regeneration plans and policies and proposals in the formal Local Development Framework documents (Core Strategies and emerging Area Action Plans) that have been prepared by the four boroughs.
- 3.19. The LLDC and Olympic Park Legacy Company before it were consulted as the main significant developer within the OLSPG area. The OLSPG has also been subject to a period of public consultation.

Conclusion

- 3.20. In conclusion, the OLSPG is considered to provide a helpful level of guidance that applies specifically to the LLDC area and some of its surrounding places, further to policy in the London plan. Having been formally published by the Mayor, the document has a material weight in making planning decisions within the LLDC area and will provide a useful context in the development of a formal LLDC Local Plan and the wider regeneration responsibilities of the organisation. The provision of a high level infrastructure delivery context is also considered to be useful in this context. The strategy and approach within the OLSPG also embrace the SRF principles of convergence.
- 3.21. While endorsement of the document, as requested by the Mayor, will not add to the material weight that the document already has in making planning decisions, it is considered that such an endorsement will help to underline support for the Mayor's policy and investment intentions towards east London and the LLDC area in addition to expressing support for its spatial and land-use content. It is, therefore, recommended that the Board agree to endorse the OLSPG as requested by the Mayor.

4. LEGAL IMPLICATIONS

- 4.1. The publication of the OLSPG has the following legal implications for the LLDC:

Determination of Planning Applications

- 4.2. The OLSPG is supplementary guidance to the London Plan. It does not form part of the statutory development plan for the LLDC area but will constitute a "material consideration" in the determination of planning applications by the LLDC when it becomes the local planning authority for its area.

Plan Making

- 4.3. Under the provisions of section 25 of the Planning and Compulsory Purchase Act 2004 the LLDC is required to ensure that any Local Plan produced by it is in general conformity with the London Plan. The OLSPG will provide important guidance on the preparation of the LLDC's Local Plan.

5. PRIORITY THEMES

- 5.1. It is considered that endorsement of the OLSPG will be consistent with the priority theme's of the LLDC, Promoting convergence and community participation; Championing equalities and inclusion; Ensuring high quality design; Ensuring environmental sustainability. Each of these priority theme's have been specifically addressed within the document and underpinned by the SRF convergence objectives. Although the LLDC has not itself prepared the OLSPG the following statement from the OLSPG Mayoral Report dated 20 June 2012 is acknowledged: "The Duty requires the Mayor when exercising his functions to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the [Equality] Act, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In order to comply with these requirements an Equalities Impact Assessment was prepared as part of the Integrated Impact Assessment ("IIA") to assess the impact of the OLSPG on specific groups in the community".

6. Appendices

- 6.1. None.

List of Background Papers:

Mayor of London's Olympic Legacy Supplementary Planning Guidance, July 2012

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