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ALL CHANGE AT THE LONDON LEGACY DEVELOPMENT CORPORATION



The London Legacy Development Corporation (LLDC) was established in 2012 as a Mayoral Development Corporation that oversaw the long-term planning, development, management and maintenance of the Olympic Park and its impact on the surrounding area after the London 2012 Games. During this time it acted as the local planning authority, producing a local plan and determining many planning applications. Some 12 years later, this is about to change.

The LLDC's Planning Policy & Decisions Team (PPDT) will stop functioning as the local planning authority for the LLDC area on 30th November 2024. As such, from 1st December 2024 its town-planning functions will transfer to the four neighbouring boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest. This means that from 1st December all planning applications that fall within the LLDC boundary will be determined by the respective borough in which the site is located.

The LLDC will maintain its status as a Development Corporation and functional body of the GLA, but with a reduced role focused on inclusive economy projects, development and Park operations and venue management, on a non-planning related basis only. It will also cover a reduced area comprising the Queen Elizabeth Olympic Park only.

What does this mean in practice? Some of the implications of this transfer of power are considered below.

DETERMINING PLANNING APPLICATIONS

The LLDC and the four boroughs have been collaborating in order to allow for a successful transition. A series of transfer protocols were published in 2023 which establish transitional processes for the LLDC and the boroughs in respect of handling planning applications (from pre-application to post determination) and financial matters including the Community Infrastructure Levy and Section 106 monies.

To prepare for the formal return of Local Planning Authority (LPA) powers, it has been agreed that the LLDC will delegate its planning decision making powers to the four boroughs, in advance of the formal return of LPA functions on the 1st December 2024, for a 3-month period from the 1st September 2024 through to the 30th November 2024. From 1st September, pre-application meetings will be led by Boroughs under the interim scheme of delegation.

The LLDC’s final Quality Review Panel (QRP), Community Review Panel (CRP) and Built Environment and Access Panel (BEAP) meetings will take place in September/October 2024.

From Friday 30th August 2024 the LLDC’s presence on the Planning Portal will be amended and the option to submit to the LLDC removed. Anyone submitting an application via the Portal will, from this date, not be required to do anything differently and can submit their application as normal, as the system will be reconfigured to route all planning application submissions through to the requisite local borough, rather than to the LLDC as was previously the case.

The final LLDC planning committee will take place on 24 September 2024.

LOCAL PLANS

The LLDC Local Plan will remain the adopted development plan for the areas included within the current LLDC boundary until the four boroughs adopt their own local plans that cover these areas. It will be interesting to see the extent to which the borough plans align with the objectives, policies and strategies within the LLDC Local Plan. This is something we will be closely monitoring and some of the differences in approach are discussed below.

Tower Hamlets is currently preparing a new Local Plan which will cover the relevant LLDC areas. This includes the areas of Fish Island, Hackney Wick and Bromley by Bow. A Regulation 19 consultation for the Tower Hamlets Local Plan will begin in autumn 2024, with adoption expected in winter 2025.

Hackney adopted its Local Plan 2033 in July 2020. It is noted within the Local Development Scheme that the Local Plan will be reviewed in 2025. This process will cover the former LLDC areas.

Waltham Forest adopted its Local Plan Part 1 (LP1) in February 2024. Part 2 of the Local Plan (Site Allocations) is currently out for pre-submission consultation and this ends on Wednesday 9 October 2024. Both parts of the plan will require a review following the transfer of power in December 2024. The timeline for this has not yet been established.

Newham completed the Regulation 18 consultation of its new local plan in 2023, and the Regulation 19 consultation is currently live. This document includes the LLDC areas. This is the final consultation before the submission of the Local Plan to central government for examination and it is taking place from 19th July 2024 to 20th September 2024.

When referring to the return of planning powers, the elected Mayor of Newham, Rokhsana Fiaz, noted that the return of town planning powers carried a host of advantages “foremost among them being our renewed ability to shape the future of our borough in line with residents’ needs and aspirations”.

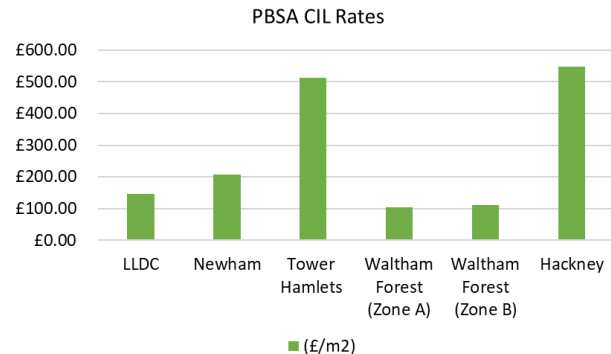
COMMUNITY INFRASTRUCTURE LEVY

In relation to the Community Infrastructure Levy (CIL), the four boroughs will become the relevant authority for charging, collecting and spending CIL monies from 1st December 2024.

As part of the transfer of planning functions, any unspent CIL and s106 money will be transferred to the boroughs in accordance with an agreed approach. Where existing grant funding agreements for the use of specified amounts of CIL or s106 money are transferred, the host boroughs will be responsible for ensuring that the money is spent in accordance with the objectives set out in the grant funding agreement.

The four boroughs do not currently include the LLDC land within their existing CIL charging schedules. Therefore, until they produce updated charging schedules, the relevant land will remain under the LLDC charging schedule.

There is some variation in CIL rates between the LLDC and the boroughs, notably relating to purpose built student accommodation (PBSA). This is demonstrated in the table below. All rates have been indexed to 2024.



POLICY - CHANGES OF DIRECTION

Throughout its tenure, the LLDC has placed great emphasis on the growth aspirations of the area, notably through the delivery of housing. Within the Local Plan adopted in 2020, the annual housing target was increased from 1,471 to 2,154 new housing units per annum. In addition to the traditional provision of new homes, the Plan actively supports alternative housing products including PBSA accommodation.

Whilst the provision of new homes is also a driver for the host boroughs, there are some differences in approach. Notably the affordable housing policy positions vary. On residential schemes the LLDC Local Plan requires a minimum of 35% affordable housing with a tenure split of 60% low-cost rent and 40% intermediate. In comparison:

- Newham Regulation 19 Draft Plan – for developments of 10 or more units there is a requirement for 60% affordable housing (comprising 50% social rent and 10% affordable home ownership), with 40% of units as family sized homes.
- Hackney's adopted Local Plan – for developments of ten or more units requires 50% affordable housing (tenure split 60% LAR/social rent, 40% intermediate).
- Tower Hamlet's Regulation 18 Draft Plan – for developments of ten or more units requires 40% affordable housing (tenure split of 85% social rent and 15% intermediate). A financial contribution will be sought for developments delivering between two and nine units.

There are also some differences in respect of PBSA. The LLDC Local Plan is generally supportive of PBSA subject to meeting certain criteria with appropriate locations being within or on the edge of the Stratford Metropolitan Centre. Beyond this, locations will also be acceptable where they are suitably located for easy access by walking, cycling or public transport to the higher education provider/s to which the proposal is linked. Against this policy context five schemes have been approved since 2020.

A different approach is evident in the Newham Regulation 19 Draft Plan which states that new PBSA will only be supported where it is located within or adjacent to a campus development, is a town centre location with a PTAL level of 4 or above, or within the Stratford and Maryland neighbourhood (i.e. central Stratford), it is solely providing a replacement facility with no net increase in bed spaces. This is a more restrictive approach.

The Tower Hamlets Regulation 18 Draft Local Plan has a criteria-based policy for PBSA. However, this requires that PBSA schemes are required to:

- a) deliver a minimum of 50% affordable C3 homes on-site, or
- b) where the location is not suitable for C3 affordable housing, deliver a minimum of 50% of units as affordable student accommodation on-site.

Finally, there is also some variation in the approach to affordable workspace. While the LLDC local plan protects existing affordable workspace and encourages new provision it does not require provision as part of wider commercial schemes.

In contrast Hackney requires major employment and mixed-use development in the designated employment areas, the CAZ and town centres to provide a minimum of 10 percent of affordable workspace.

The Tower Hamlets Regulation 18 Draft Local Plan requires development proposals that include more than 1,000sqm gross commercial floorspace to provide at least 15 percent affordable workspace. Furthermore, development proposals that will result in affordable workspace of 300sqm or more will lease the space directly to the council or an organisation approved by the council.

Waltham Forest require the delivery of affordable workspace as part of the delivery of new employment floorspace of 1,000sqm or greater in town centres, strategic locations or as part of regeneration schemes (no specific percentage is specified in policy).

It will be important for developers to consider the new planning policies as they emerge and to understand impacts on development proposals, as well as watching out for new CIL charging schedules. We will be monitoring the transition and will provide further updates.

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