

TBP8



Local Plan Background Paper: Duty to Cooperate

October 2018



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1. Introduction

The Local Plan

- 1.1 The London Legacy Development Corporation became the Local Planning Authority for its area on 1st October 2012. As a result it is required to prepare a Local Plan. The Local Plan was adopted in July 2015 and is the statutory development plan for its area, setting out the overall strategy for the development of the area and the policies and proposals that will be used to guide and determine applications for development. Local Planning Authorities are required to regularly review, and where appropriate, update their Local Plan and the Legacy Corporation began the formal review process in 2017.
- 1.2 Paragraph 11 of the National Planning Policy Framework, 2018 (NPPF) sets out in its 'Presumption in favour of sustainable development' that for plan-making:
- “a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 1.3 Paragraph 16 of the NPPF also states that “Plans should:
- a) be prepared with the objective of contributing to the achievement of sustainable development;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

Purpose of this Background Paper

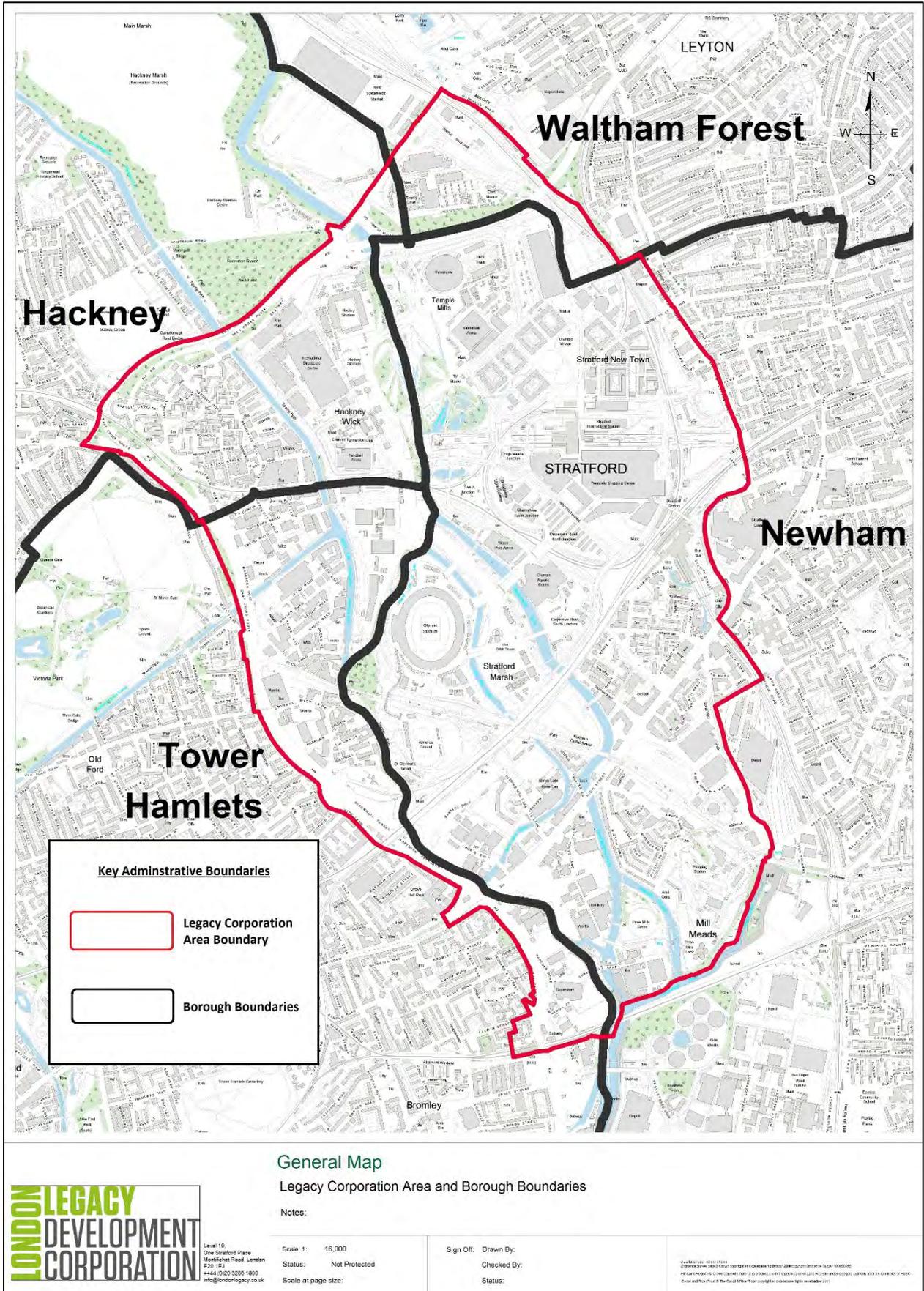
- 1.4 Paragraph 31 of the NPPF requires that policies within Local Plans when they are prepared and reviewed are “underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals”. It also requires, at paragraph 27, that “In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.”
- 1.5 This paper accompanies that Statement of Common Ground, while also setting out in a wider context to how it is considered that the Duty to Cooperate has been met in reviewing the Legacy Corporation's Local Plan.
- 1.6 The Local Plan, when first prepared, drew on the content of the plans that were adopted by each of the four boroughs covering its area prior to 1st October 2012, being the London boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest (the four boroughs), as well as the evidence underpinning them. The Legacy Corporation reviewed the approach taken by these, and where necessary, updated the evidence that relates to its area. In reviewing the adopted Local Plan, the underlying evidence has been reviewed to take account of changes in local circumstances, and where appropriate, the evidence has been updated. The publication of the draft and final revised National Planning Policy Framework in July 2018 and the production of a new, draft London Plan have both influenced the review of the Local Plan.
- 1.7 The LLDC Local Plan is a single document that includes both strategic policies and site allocations for the LLDC's administrative area. It also contains non-strategic policies, mainly within the four 'sub area' sections of the Local Plan. The vision, overall strategy and policies in the Plan aim to reflect the LLDC's role as a Mayoral Development Corporation and as a Local Planning Authority with housing targets and other strategic policy contexts set by the London Plan. As it is a Local Planning Authority incorporating specific parts of the four Boroughs, specific co-operation arrangements are in place to ensure that the Local Plan reflects both the London-wide strategic importance and context of the area and the interface with the Boroughs across a range of strategic matters which are set out in detail in this paper. A map of the LLDC area in the context of the Boroughs is included at Figure 1.
- 1.8 This background paper is one of several that have been prepared in order to inform and support the preparation of the revised London Legacy Development Corporation's Local Plan. It specifically addresses the requirements set out in the Localism Act (2011), Planning and Compulsory Purchase Act 2004 and the NPPF for Local Plans to be prepared in a manner that meets the Duty to Cooperate.

Background to the Legacy Corporation

- 1.9 The Legacy Corporation came into being on 9th March 2012 having been created to be responsible for the regeneration legacy from the 2012 Olympic and Paralympic Games.
- 1.10 On 1st October 2012, the London Legacy Development Corporation (Planning Functions) Order 2012 came into force making the Legacy Corporation the local planning authority for its administrative area. This included plan making powers, resulting in a requirement for it to prepare a Local Plan for its area. A Local Plan was adopted in July 2015. The Legacy Corporation also has powers to be a Community Infrastructure Levy (CIL) charging authority. It subsequently prepared a CIL Charging Schedule for its administrative area which came into force in April 2015.
- 1.11 In becoming a Local Planning Authority the Legacy Corporation subsumed the planning functions of the Olympic Delivery Authority (ODA), the London Thames Gateway Development Corporation (LTGDC) for land within its area and the local planning authorities of the four boroughs.
- 1.12 The purpose of the London Legacy 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”¹.
- 1.13 The Legacy Corporation aims to achieve its goals by:
- Working in partnership with the Mayor of London, 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 Queen Elizabeth Olympic Park.
- 1.14 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 First confirmed by the Greater London Authority in “Olympic Park Legacy Corporation, Statement by the Mayor of London, February 2011 and reflected in the LLDC Ten Year Plan 2015/16-2024/25 (10th March 2016).

Figure 1: Area of the LLDC and four boroughs



2 Legislative and Policy Context

Legislation and Statutory Instruments

2.1 The Legacy Corporation's planning related powers and responsibilities are primarily drawn from the following Legislation and Statutory Instruments:

- 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
- Localism Act 2011
- London Legacy Development Corporation (Planning Functions) Order 2012
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 With regard to the built environment, the 2008 Planning Act (Section 183) states that bodies that exercise any function in relation to local development documents 'must have regard to the desirability of achieving good design'.

2.3 The primary sources of policy that have influenced the development of the Local Plan with regard to the built environment are outlined below.

National Planning Policy Framework and Planning Practice Guidance

2.4 The NPPF sets out the Government's Planning Policies for England and how it expects these to be applied. It is a key part of the Government's reforms to make the planning system less complex and more accessible and acts as guidance for Local Planning Authorities and decision-takers, both in drawing up plans and making decisions about planning applications. First published in 2012, it has been updated in 2018 to further ensure an up-to-date approach to national planning policy

2.5 In essence the NPPF requires that Local Planning Authorities prepare policies which are based on an understanding of the characteristics of their area, the objectives for its future, and what is expected in terms of the quality of development. Local Planning Authorities should also have regard to the Planning Practice Guidance published online by the Ministry of Housing, Communities and Local Government, providing guidance on a number of topics covered by national planning policy and procedure, including technical guidance where this is necessary.

London Plan and Supplementary Planning Guidance

2.6 The London Plan, March 2016 consolidated with alterations since 2011) and its associated Supplementary Planning Guidance forms the overall strategic plan for London, and sets out an integrated economic, environmental, transport and social framework for the development of the capital to 2036. London borough local plans need to be in general conformity with the London Plan, as its policies guide decisions

on planning applications by London Local Planning Authorities and the Mayor. The Legacy Development Corporation Local Plan is no different and is required to be in general conformity with the London Plan. A New London Plan is being prepared and was published in draft in November 2017 for consultation. The Legacy Corporation Local Plan is being reviewed in order to be in general conformity with the New London Plan which is expected to have completed its Examination in Public and be published by the Mayor in its final form later in 2019.

- 2.7 Supplementary Planning Guidance (SPG) documents provide further detail on particular policies in the London Plan.
- 2.8 Supplementary guidance can be useful where: The level of detail is inappropriate for a development plan, for example development briefs, design guides and master plans for areas of intensive change where there is a need for an urgent policy response to an emerging issue.
- 2.9 Supplementary guidance is used to support statutory development plans and are not to be used as an alternative. They cannot be used to make new policies. Statements made in supplementary guidance carry less weight than those in development plans when determining planning applications and appeals but may still be considerations.
- 2.10 For example, the Mayors 'Olympic Legacy Supplementary Planning Guidance' was published in July 2012 and seeks to supplement and apply London Plan policy for the area of the Lower Lea Valley that includes the LLDC; it sets out the Mayor's strategic priorities and long-term vision for the Queen Elizabeth Olympic Park and its surrounding areas.

Long-term relationship to Borough Plans

- 2.11 When adopted in July 2015, the Legacy Corporation Local Plan become the statutory development plan for its area in place of the development plan documents that had had previously been adopted by the Boroughs (prior to 1st October 2012).
- 2.12 It is anticipated that during the revised Legacy Corporation Local Plan 'plan period', (to 2036), that statutory planning powers will return to the Boroughs at an agreed point in time.
- 2.13 The Mayor of London has committed to progress discussions and commence the initial work on producing a route map to set out the transition of relevant powers from the London Legacy Corporation to the four boroughs. Work is being undertaken during 2018 to enable discussion with the LLDC Board, the four boroughs and other stakeholders on this transition and greater clarity on the timing and the relevant arrangements for such transition will emerge as a result of this. The future return of planning powers to the Boroughs will require a formal statutory instrument issued by Parliament that would specify the date that those powers return and the broad arrangements for this transfer.

It is anticipated that the Legacy Corporation Local Plan would remain the relevant statutory Local Plan until such time as each of the Boroughs have revised its own Local Plan to formally reincorporate their part of the Legacy Corporation area into their own Local Plans. This would reflect the approach taken when adopted Borough Local Plans were transferred to the LLDC.

3 Duty to Cooperate - Background

What is the Duty to Cooperate?

- 3.1 "The duty to cooperate" was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
- 3.2 The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.
- 3.3 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty, then the Local Plan will not be able to proceed further in examination.

The new NPPF (July 2018) introduced the requirement for a Statement of Common Ground. The subsequently updated Planning Practice Guidance states that: "A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate." (Planning Practice Guidance, September 2018)

- 3.4 The Legacy Development Corporation as a Local Planning Authority has its role defined by the London Legacy Development Corporation (Planning Functions) Order 2012. This confers all relevant planning powers that would apply to Local Planning Authorities within London, including those relating to plan making. The requirement for Local Plans to be in general conformity with the London Plan applies equally to the Legacy Corporations Local Plan as any borough Local Plan. Within London, the Planning Practice Guidance considers that the extent of any cooperation required will depend on the extent to which strategic issues have been addressed within the London Plan.
- 3.5 The London Plan in this context sets out a range of relevant policy positions, targets and strategies which apply to the Legacy Corporation area. For example, the London Plan sets out an annualised housing target for the Legacy Corporation area in the same way that it sets a target for each London Borough, providing a strategic approach to housing delivery with which each local plan must conform.
- 3.6 This paper sets out how the Duty to Cooperate has been met during the preparation of the Local Plan to date and how it is envisaged that this approach will ensure that the Duty to Cooperate is met in an on-going way. This paper also accompanies the current Statement of Common Ground between the Legacy Corporation as a Local Planning Authority and the four Boroughs.

- 3.7 It should also be noted that the Legacy Corporation in its role as a Local Planning Authority publishes an Authority Monitoring Report annually that reports on activity related to the Duty to Cooperate within that reporting year.

4 Formal Cooperation Arrangements

- 4.1 A key element to the function and purpose of the Legacy Corporation is that it exists as a statutory body and is also a Local Planning Authority over an area that includes the Boroughs. The function and purpose of the Legacy Corporation is such that it is not for example the housing authority, education authority, highways authority or municipal waste authority for its area. The structure of the organisation at a decision-making level and the wider mechanisms that are in place for cooperation between the four boroughs and the Legacy Corporation have been and continue to be crucial elements of meeting the Duty to Cooperate.
- 4.2 **The Board and Planning Decisions Committee.** The Legacy Corporation's governance structure is managed by a Board and committees. This provides a specific context in which the Boroughs have political representation and thereby direct involvement in relevant decision-making processes. The Boroughs are represented on the Legacy Corporation's Board by an elected member from each of the Boroughs. Currently, the majority are the respective mayors or council leaders of that borough. The scheme of delegation for decision making requires that formal planning policy decisions are made by the Board, including approval of documents prepared for consultation and for final adoption decisions.
- 4.3 The Planning Decisions Committee has eleven committee members, including two elected councillors appointed by the London Borough of Newham and one each appointed by the London boroughs of Hackney, Tower Hamlets and Waltham Forest. The formal role of the committee is confined to making decisions in relation to applications for planning permission, conservation area and listed building consent. However, planning policy documents are considered in public by the committee, in the form of a formal, published report, before the Board considers that report for formal decision-making purposes. The views of the Planning Decisions Committee are reported to the Board in each case so that these can be taken into consideration at the time the Board makes its decision. It should also be noted that for each planning policy consultation, the Board, the Planning Decisions Committee members and elected local ward councillors receive notification of the consultation.
- 4.4 **Memorandum of Understanding (MoU).** In establishing the Legacy Corporation as a Local Planning Authority, the interrelationship with the Boroughs and their relevant functions it was agreed that a Memorandum of Understanding (MoU) would be put in place to formalise working processes and arrangements. The MoU sets out a range of areas for cooperation including the establishment of a Planning Policy Forum, an officer group to facilitate discussion and input into a proposed development and the review of the Legacy Corporation Local Plan, CIL and other planning policies. The terms of reference for this group is set out within the MoU, including membership and frequency of meetings. The text of the MoU is included at Appendix 1, which also identifies their formal membership.
- 4.5 The MoU provides a specific and regular focal point for matters to which the Duty to Cooperate applies, helping to ensure that other more informal cooperative working, coordination and discussion takes place outside of those formal meetings. The MoU

has been signed by the Legacy Corporation and each of the four boroughs All four boroughs, Transport for London and the Lee Valley Regional Park Authority regularly attend the Planning Policy Forum. The Planning Policy Forum is an officer group to facilitate discussion and input to the development of the Legacy Corporation Local Plan, CIL and other planning policy development.

5 Meetings Held During the Review of the Legacy Corporation Local Plan

Planning Policy Forum Meetings (following initiation of the review)	
Date of Meeting	Agenda Topic Areas
18 th October 2017	<ul style="list-style-type: none"> • Local Plan review consultation strategy • Housing targets and the London Plan
15 th November 2018	<ul style="list-style-type: none"> • Infrastructure
13 th December 2018	<ul style="list-style-type: none"> • Employment and economy
10 th January 2018	<ul style="list-style-type: none"> • Environment and sustainability
21 st March 2018	<ul style="list-style-type: none"> • Draft new NPPF consultation • Duty to Cooperate/Statements of Common Ground • Infrastructure Delivery Plan Review • Population Projections
18 th April 2018	<ul style="list-style-type: none"> • Housing & the Housing Requirements Study • Combined Economy Study • Open Space and Playspace Assessment • Population Report and Projections
16 th May 2018	<ul style="list-style-type: none"> • Infrastructure Delivery Plan and Transport Study • Local Plan -potential areas of change
18 th July 2018	<ul style="list-style-type: none"> • Local Plan Review – Proposed Changes Document • Review timetable/programme • Duty to Cooperate Background Paper
19 th September 2018	<ul style="list-style-type: none"> • Local Plan review – Proposed changes to the Local Plan document, Duty to Cooperate document and statement of common ground, other background papers. • Infrastructure planning: CIL Preliminary draft charging schedule, CIL Regulation 123 list, IDP Project List, Schools Study • Night-time Economy SPD

Other Consultative Meetings and Workshops		
Meeting Date	Meeting Title/Participants	Area of Discussion
21 st September 2017	LB Tower Hamlets Planning Policy	London Borough (LB) Tower Hamlets Local Plan issues and progress/LLDC prospective Local Plan review
10 th January 2018	LB Newham Planning Policy	LB Newham submission Local Plan and LLDC Local Plan Review scoping
15 th January 2018	Environment Agency	Flood risk issues in Hackney Wick and Fish Island and general flood risk approach in Local Plan and the Local Plan review.
16 th January 2018	LB Waltham Forest Planning Policy	LB Waltham Forest Local Plan and LLDC Local Plan Review scoping
23 rd February	Lee Valley Regional Park Authority (LVRPA)	Local Plan Review early engagement representation from LVRPA, including approach to Lee Valley Hockey and Tennis Centre site.
5 th July 2018	LB Waltham Forest Planning Policy	LLDC Local Plan Review and proposed changes
12 th July 2018	LB Tower Hamlets Planning Policy	LLDC Local Plan Review and proposed changes
12 th July 2018	LB Hackney Planning Policy	LLDC Local Plan Review and proposed changes
13 th July 2018	LB Newham Planning Policy	LLDC Local Plan Review and proposed changes

5.1 In addition to the formal meetings and workshops identified above, development of Local Plan policy and other content and input to development of the underlying evidence base has been supplemented by on-going informal discussion and communication with relevant prescribed bodies throughout the Plan review period. At appropriate points, drafts of evidence base studies and other work have been informally shared with the authorities/organisations identified above and commented upon by them. Data and other evidence material have also be shared by the four boroughs and the Greater London Authority, Transport for London and Lee Valley Regional Park Authority for inclusion and input to the evidence base and drafts of the Local Plan.

5.2 The other bodies that are subject to the Duty to Cooperate as prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) include:

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as Historic England)
- Natural England
- the Mayor of London

- the Civil Aviation Authority
 - the Homes and Communities Agency
 - each clinical commissioning group established under section 14D of the National Health Service Act 2006
 - the National Health Service Commissioning Board
 - the Office of Rail Regulation
 - Transport for London
 - each Integrated Transport Authority
 - each highway authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
 - the Marine Management Organisation.
- 5.3 Each of these bodies have been consulted as a minimum at each formal consultation stage of Local Plan preparation and where relevant have had informal opportunities to input and comment on aspects of the Local Plan approach and wording.
- 5.4 A separate Consultation Report has been published alongside the Publication version of the revised Local Plan. This provides an overall picture of formal consultation carried out that has included the prescribed bodies relevant to the Duty to Cooperate and explains how matters raised through consultation have been taken into account.

6 Strategic Policy Context and the Duty to Cooperate

London Plan Context

- 6.1 The London Plan provides a framework for many of the cross-boundary matters that affect the Legacy Corporation area, for example the setting of annualised housing targets for each Local Planning Authority in London and providing waste projections that are apportioned to each borough. The London Plan also presents a strategic approach to a range of other policy matters, including the "Green Grid" and the "Blue Ribbon Network", which sets a cross-boundary context for Local Plans.
- 6.2 In July 2012, the Mayor of London published the Olympic Legacy Supplementary Planning Guidance (OLSPG), subsequently endorsed by the four boroughs, who were also involved in the process of preparation of this document. This is non-statutory Supplementary Planning Guidance to Policy 2.4 'The Games and their Legacy' of the London Plan (2011) (with subsequent revisions). While the focus of this policy has changed, much of the underlying evidence base for the OLSPG remains relevant and valid, including the related Energy Study and Transport Study. It should be noted that the OLSPG and its related evidence addresses a wider area than the Legacy Corporation's area boundary and so helps to set the Local Plan within its immediate context and surroundings. In December 2017, the Mayor of London published a draft new London Plan. While this no-longer includes Policy 2.4 it continues to set an overall strategy for this area of east London reflecting the established strategy for regeneration and growth within the Opportunity Area. It should be noted that the OLSPG remains in place as guidance and has not been withdrawn by the Mayor of London.

Convergence

- 6.3 'Convergence' is a concept that is written into the purpose of the Legacy Corporation and is also cited within Policy 2.4 of the London Plan and the Mayors OLSPG (2012).

The concept of 'convergence' was originally defined by the Olympic Host Boroughs within their Strategic Regeneration Framework (2009). The Mayor and Host Boroughs agreed a restructuring of the Convergence Objectives in 2011. Subsequently the Host Boroughs have been redefined as the "Growth Boroughs" and expanded to now include the London Boroughs of Barking and Dagenham and Greenwich in addition to Hackney, Newham, Tower Hamlets and Waltham Forest (the Boroughs). Convergence is essentially the term used to denote the ambition that over the 20 years from 2012 that the residents in these boroughs will achieve the London average expected in successful communities.

- 6.4 The action plan that derives from the Strategic Regeneration Framework focused on the period through to 2015. However, the longer-term focus provided by the convergence objectives filters through to the wider plans and actions of the Growth Boroughs and the Mayor of London, including the activity and plans of the Legacy Development Corporation. In particular, the opportunities provided to support economic and business growth leading to the creation of new jobs and building of significant numbers of new homes are key themes that are drawn out through the Legacy Corporation's Local Plan. It should be noted that the geographically constrained area of the Legacy Corporation's administrative boundary will by definition be one part of a wider picture within which the ambitions of convergence will be progressed. It will not meet all identified need but rather the Local Plan seeks to strike a balance in its strategy and policies that will help to focus its role on delivering those things that will help to drive the wider change sought.

7 Local Plan Policy Areas and Cross boundary Cooperation

Housing

- 7.1 The Housing Background Paper sets out in detail how the revised Local Plan meets the requirements of need for new homes and housing growth in general. In relation to the Duty to Cooperate, the nature of the Legacy Corporation area with approximately 11,000 homes in existence by the end of 2019 and a capacity for approximately 22,000 more, it is clear that the nature of the area is one that has the potential to meet housing needs significantly above those that will be generated by its existing population and its Objectively Assessed Need. This will, therefore, help to meet housing needs generated both within the planning authority areas of the four boroughs and London more widely.
- 7.2 The Housing Requirements Study (2018) also recognises the strategic role of housing delivery and specifically incorporates evidence from each four boroughs in relation to quantum and mix. The Housing Background Paper (LLDC, 2018) sets out further detail on housing issues and the relationship between housing targets, including affordable housing targets, for the Legacy Corporation and the responsibilities that remain with the boroughs as Local Housing Authorities, including those for allocation of affordable housing.

Economic growth

- 7.3 As with housing need, the level of economic growth promoted within the Local Plan, including particular policy designations and the balance and types of uses sought in particular locations and sites, reflects the wider strategic policies that denote the role of the Legacy Corporation area as a source of employment and business growth which should have significance for east London and London as a whole, particularly projects

such as Stratford Waterfront (East Bank), Here East and The International Quarter London. The provision therefore has the potential to meet employment need and economic/business demand generated from an area far beyond the Legacy Corporation's physical boundaries. The 'Developing Business Growth, Jobs and Training' Background Paper provides further information on the approach taken within the Local Plan and the evidence that underlies this.

Infrastructure planning and delivery

- 7.4 An Infrastructure Study and initial Infrastructure Delivery Plan was prepared for the Legacy Corporation in May 2013 and subsequently published to support the consultations on and development of the Local Plan and the CIL. The underlying conclusions and the identified infrastructure need listed in this study remain relevant to the type and amount of development proposed within the Local Plan. This evidence has been reviewed and updated as part of the Local Plan Review, ensuring that this evidence is up to date and provide a firm basis for the annual reviews of the resulting infrastructure list.
- 7.5 It is also recognised that meeting infrastructure needs will be, at least in some cases, a cross boundary matter and that provision of infrastructure will require coordination with neighbouring Local Planning Authorities. To accommodate this an annual Infrastructure Delivery Plan review has been built into the Local Plan and CIL programmes that will include consultation and, where appropriate coordination with the four boroughs and, where necessary other authorities and infrastructure providers. This process allows new projects to be added to be delivered or redundant projects to be removed. The Planning Policy Forum, identified elsewhere in this Background Paper in detail, provides a forum for coordination of this process with the four boroughs and Transport for London when annual reviews are undertaken.
- 7.6 With the projected increase in population identified through the Local Plan review process to date, the planning for appropriate levels of social infrastructure is considered important. In particular the provision of school places for statutory school age children is a matter that presents the potential for cross-boundary cooperation, particularly given the role of each of the four boroughs as the local education authority in their own parts of the Legacy Corporation Area. As a result, a school place study has been undertaken and the outcomes are reflected in the revision of the Infrastructure Delivery Plan and the revised draft Local Plan.
- 7.7 The annual IDP review process requires infrastructure providers to complete and return new project proposals forms. Each year infrastructure providers will be consulted, triggering the submission of new project proposals. Based on this consultation and returned proposal forms a revised IDP list will be prepared and will accompany the annual Authorities Monitoring Report in order to seek the approval of the Legacy Corporation Board for the revised IDP list. The CIL Regulation 123 list would be reviewed and updated where necessary alongside this.
- 7.8 A process exists for allocation of existing pooled S106 funds, in particular for those funds pooled under the London Thames Gateway Development Corporation Planning Obligations Strategy from schemes that are now within the Legacy Corporation area. This process also applies to allocation of CIL funds collected through the Legacy Corporation CIL charge that came into force in April 2015. Bids for funding from these sources is available for projects that are either located within the Legacy Corporation area or will serve development within it. Bids for funding have to be related to the projects identified in the most up to date IDP list as agreed by the Legacy Corporation Board and so have been subject to the project/IDP consultation process. However, infrastructure providers, including the four boroughs can bid for funds using this

process. Applications for allocation of funding based on the approved IDP list have been delegated to a senior officer group by the Legacy Corporation Board.

7.9 The IDP review and funding allocation process provide a clear and auditable process for infrastructure delivery. The Planning Policy Forum also provides a forum for wider coordination and liaison for example where cross-boundary coordination of differing infrastructure provision will help maximise opportunity for delivery and avoid duplication.

7.10 Three consultative meetings were held with the attendees listed in Table X below. A Transport Study has been prepared which has included significant input from the four boroughs and Transport for London in arriving at its conclusions. A Schools Study has also been undertaken on behalf of the LLDC as Local Planning Authority to support the Local Plan and IDP reviews and has included detailed input from the four boroughs' Schools Place Planning Teams and the Greater London Authority. A range of other infrastructure providers have been provided with the opportunity to input so far but not all have been in a position to provide detailed input to date. For this reason, the Infrastructure Delivery Plan Project List and the Infrastructure (CIL Regulation 123) List remain in draft and will continue to be subject to consultation while the Local Plan undergoes its Publication Stage consultation and the revised CIL Charging Schedule (Preliminary Draft Charging Schedule) undergoes public consultation. These will remain in draft until such time as the revised CIL Charging Schedule is adopted and published and consultation will continue on its content until such time. As has occurred previously, these lists will then be reviewed annually in consultation with infrastructure providers.

Table x Infrastructure Delivery Plan Consultative Meetings

Transport 17th November 2017	Green and blue infrastructure 17th November 2017	Utilities 21st November 2017
Transport for London	Greater London Authority	Engie (Heat Network operator)
London Underground Ltd	Lee valley Regional Park Authority	OpenReach
LB Newham	Environment Agency	Fulcrum
LB Hackney	LB Waltham Forest	Arup
LB Tower Hamlets		UK Power Networks
		Thames Water
		LB Waltham Forest

Waste

7.11 The London Plan sets out an overall strategy for waste within Greater London which draws on the Mayor's Waste Strategies and apportions waste projections to each London borough. Specifically the approach is set out within London Plan Policy 5.16 Waste Self-sufficiency and Policy 5.17 Waste Capacity, supplemented by Table 5.2 Municipal and commercial/industrial waste projections at borough level. The proposed modifications to the Further Alteration to the London Plan (2014) define the apportioned waste as municipal waste. (It should be noted that the draft New London Plan now has Policy S18 'Waste capacity and net waste self-sufficiency' and Table 9.2 'Borough-level apportionments of household and commercial and industrial waste 2021-2041'), Municipal waste remains the responsibility of the four boroughs within their respective areas of the Legacy Corporation area. London Boroughs of Hackney and Waltham Forest are members of the North London Boroughs Waste Group, London Borough of Newham is a part of the East London Waste Authority boroughs group, while London Borough of Tower Hamlets acts independently as a waste authority.

- 7.12 The role of the Legacy Corporation in this respect is purely that of Local Planning Authority. Current planning policy in respect to waste matters is contained within the most recently adopted development Plan documents of each of the four boroughs and in the case of the East London Waste Authority boroughs, their Joint Waste Development Plan as it applies to the London Borough of Newham. It should also be noted that the London Plan, while it includes a waste projection apportioned to each borough, does not apportion this to the Legacy Development Corporation area, reflecting the lack of a statutory responsibility for waste disposal.
- 7.13 Given this context, the Legacy Corporation Local Plan within Policy IN.2 Planning for Waste, sets out the principles for cooperation with the four boroughs in respect of their waste authority roles and consequent implications for waste planning, to ensure that the existing waste plans and waste planning policy remain a factor when considering proposals for development, or where new or revised policy and plans are brought forward to also take these into account. The remaining parts of the policy (4-6) set out the development management requirements for development that would result in the loss of an existing waste sites and for proposals for new waste management facilities. In essence, the policy seeks to protect existing capacity of waste sites within the Legacy Corporation area and identify, in principle, the type of location by employment use designation that new facilities might be acceptably brought forward within. It also sets out the criteria that such proposals would need to meet. While no specific proposals or evidence of need for new waste management sites specifically within the Legacy Corporation area is identified within the existing adopted planning policy, the Local Plan policy does within the scope of the Policy IN.2 identify the broad locations where new facilities or sites would be acceptable should boroughs or other waste providers bring forward proposals or locations require identification through future cooperative working.
- 7.14 The framework for the cooperation required in the context of waste planning is that which has been set out and agreed within the general MoU. This allows for early discussion on issues that might arise should a specific borough or borough grouping propose to revise its waste plan/waste planning policies. It also sets out arrangements for the coordination of input to proposals for development that might have an impact on borough responsibilities for municipal waste or the London Plan waste apportionment figure. There are currently no proposals for new waste facilities or sites within the Legacy Corporation area.
- 7.15 Specific waste planning related MoU have been agreed between the Legacy Corporation and the North London boroughs waste planning group and also separately with the London Borough of Tower Hamlets to recognise issues of reliance in relation to waste planning and the approaches taken in the respective Local Plans/Waste Local Plans. The MoU's are appended to this background paper at Appendix 2 and Appendix 3.

Gypsies and Travellers

- 7.16 The Housing Background Paper sets out the detail of matters relating to gypsy and traveller requirements and how the Local Plan addresses these. A key part of this involves working with the boroughs through the Duty to Cooperate in relation to site delivery and strategically meeting identified needs.
- 7.17 The adopted Local Plan contains a site allocation at Bartrip Street South (SA1.7) to provide for up to nine new pitches which, according to evidence available at that stage, would meet the first five years of identified need for the area. The Local Plan therefore also identifies the need for the Legacy Corporation to continue to work with each of the

four boroughs under the Duty to Cooperate to explore potential to meet longer-term requirements associated with the Legacy Corporation's area at a strategic level as well as working with gypsy and traveller communities in identifying sites.

7.18 New evidence commissioned as part of the Local Plan Review has updated the need requirements for the area utilising the new national and London-wide definitions. The existing Bartrip Street site allocation has continued to meet this need and the Legacy Corporation has been working and cooperating with the London Borough of Hackney, the Greater London Authority and Transport for London to help facilitate delivery of the site. At an appropriate point in time it will work with the London Gypsy and Travellers and the wider gypsy and traveller community in matters relating to the design and delivery of the site. Appendix 3 to the Housing Background Paper sets out detail of meetings and progress towards delivery.

7.19 As has occurred in the past, in order to meet wider and longer-term requirements for gypsy and traveller pitches the Legacy Corporation will continue to work with each of the boroughs through the Planning Policy Forum and other bespoke meetings and events. The overall approach also takes into account the statutory housing responsibilities that continue to sit with each of the four boroughs rather than with the Legacy Development Corporation which in this instance has only the statutory powers and responsibilities of the Local Planning Authority. The arrangements that will be used for progressing this are contained within the established MoU.

8 Future areas of cooperation

8.1 It is recognised that as national and London planning policy is revised and updated over time and as Local Plans are reviewed regularly, that new matters of cross-boundary cooperation may arise over time. Where this is the case, the structures for cooperation outlined in this document and the appended MoU's will be utilised to ensure appropriate cooperation takes place. Where the Legacy Corporation prepares new or revises existing supplementary planning guidance, it will also ensure that these cooperation arrangements are utilised to secure the input of the specified bodies.

9 Statements of Common Ground

9.1 The new NPPF (July 2018) requires that Local Planning Authorities prepare a Statement of Common Ground when preparing their Local Plans. This Duty to Cooperate Background Paper provides the background information for key areas of cross-boundary strategic interest and the way in which the parties cooperate on an on-going basis. The four boroughs inevitably vary in their overall approach and priorities for key matters and key planning policies and so the Legacy Corporation Local Plan does not seek to directly replicate borough policy approaches and positions on these matters. Rather the Local Plan seeks to set out an appropriate strategy for the development of its area that is in general conformity with national planning policy and the London Plan while taking into account the different current and emerging borough Local Plans. Through the consultation and engagement process for the review of the Legacy Corporation Local Plan, the key matters set out in this Background Paper have been highlighted.

9.2 The detail of the approach and relationship to up to date evidence for these policy areas are set out in the other relevant Background Papers. For those areas that may present an on-going issue after the point at which the revised Local Plan is submitted for Examination, a formal detailed statement of common ground will be prepared for each.

9.3 In order to comply with the requirement of the new NPPF, a Statement of Common Ground has been prepared and this paper accompanies that statement, providing further detail on relevant matters and areas of cooperation for key strategic. The Statement of Common Ground will be updated at the time the LLLDC draft revised Local Plan is submitted for Examination and will also be updated on a regular basis following conclusion of the Plan Making process to ensure compliance with this requirement.

10 Conclusion

10.1 Given the intrinsic nature of the Legacy Corporation and its prescribed function and remit and the structures in place to facilitate cooperation between it and its surrounding local planning authorities, it is considered that robust mechanisms have been put in place which have ensured that the Duty to Cooperate has been met in the development of the Local Plan and that these arrangements will aid on-going cooperation in the implementation of the Local Plan. This also applies to the current review of the Local Plan. Where specific areas of policy within the Local Plan require cross-boundary cooperation in addition to the strategic context of policy, targets and apportionments within the London Plan, these have been specifically addressed within the policies and approach to these within the Local Plan. The Legacy Corporation is therefore satisfied that it has met the requirements of the Duty to Cooperate in accordance with the provisions of the Localism Act and National Planning Policy Framework at this point in the Local Plan review process.

Appendix 1: Text of signed Memorandum of Understanding between London Legacy Development Corporation and the Boroughs

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BETWEEN:-

- (1) **THE LONDON LEGACY DEVELOPMENT CORPORATION** of Level 10, 1 Stratford Place, Montfichet Road, London, E20 1EJ ("**LLDC**");
- (2) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HACKNEY** of Town Hall Mare Street London E8 1EA ("**Hackney**");
- (3) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF NEWHAM** of Newham Dockside, 1000 Dockside Road, London E16 2QU ("**Newham**");
- (4) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF TOWER HAMLETS** of Town Hall Mulberry Place 5 Clove Crescent London E14 2BG ("**Tower Hamlets**"); and
- (5) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF WALTHAM FOREST** of Town Hall Forest Road London E17 4JF ("**Waltham Forest**")

WHEREAS

- (A) The LLDC has been established by article 3 of the London Legacy Development Corporation (Establishment) Order 2012 and given functions in relation to town and country planning for the Development Area by the Mayor of London pursuant to section 202(8)(b) of the Localism Act 2011 and by the Secretary of State for Communities and Local Government by virtue of the Planning Functions Order.
- (B) The Development Area covers land within four London local authorities namely Hackney, Newham, Tower Hamlets and Waltham Forest.
- (C) On 1 October 2012, the Planning Functions Order came into force and the LLDC became the local planning authority for the Development Area exercising the town and country planning powers set out in the Planning Functions Order.
- (D) The LLDC is not designated as the registering authority for the Development Area and the responsibility for registering local land charges under the Local Land Charges Act 1975 remains with the Boroughs.
- (E) The LLDC and the Boroughs have a duty to cooperate on planning issues under section 110 of the Localism Act 2011 and as set out in the National Planning Policy Framework 2012 (principally paragraphs 178-181) in order to maximise the benefits of working together to achieve sustainable regeneration of the Development Area. The LLDC and the Boroughs are therefore entering into this Memorandum of Understanding as a commitment to the duty to cooperate under the Localism Act 2011 and in order to facilitate general co-operation between the parties with respect to:
 1. the registration of local land charges;
 2. the creation of addresses;
 3. pre-application engagement on major applications;
 4. processing of planning applications;
 5. consultation on, and publicity of, planning applications;
 6. consultation on, and development of, planning policy;

7. Local Plans and the preparation of Local Plans including:
 - 7.1 development plan documents;
 - 7.2 supplementary planning documents; and
 - 7.3 statements of community involvement;
8. interim planning policy statements including the preparation of interim planning policy statements ;
9. CIL Charging Schedules including the preparation of and amendment of CIL Charging Schedules;
10. masterplans including the preparation of and amendment of masterplans;
11. Neighbourhood Development Plans including the preparation of, amendment of, and revocation of Neighbourhood Development Plans;
12. Qualifying Bodies including the formation of Qualifying Bodies;
13. Local Development Orders including the preparation of, amendment of, and revocation of Local Development Orders;
14. Community Right to Build Orders including the preparation of, amendment of, and revocation of Community Right to Build Orders;
15. Community Organisations including the formation of Community Organisations;
16. applications for a development consent order under the Planning Act 2008;
17. planning appeals;
18. planning enforcement;
19. regeneration projects;
20. the sharing of planning information and appropriate input into all of the above (including sharing of relevant evidence base and other material and research including background data and GIS mapping information).

IT IS AGREED as follows:-

1. DEFINITIONS

1.1 In this Memorandum of Understanding:-

- | | |
|---------------------------------|---|
| "1975 Act" | means the Local Land Charges Act 1975; |
| "Boroughs" and "Borough" | means Hackney, Newham, Tower Hamlets and Waltham Forest collectively or singly as appropriate; |
| "CIL Charging Schedule" | means a community infrastructure levy charging schedule as required pursuant to section 211 of the Planning Act 2008; |

"Community Organisation"	has the meaning given in Schedule 4C to the Town and Country Planning Act 1990;
"Community Right to Build Order"	has the meaning given in Schedule 4C to the Town and Country Planning Act 1990;
"Development Area"	means the area of land described as a Mayoral development area and in relation to which a Mayoral development corporation is established, as shown bounded externally by the inside edge of a black line on the map referred to in the London Legacy Development Corporation (Establishment) Order 2012";
"Local Development Order"	means a local development order made pursuant to section 61(A) of the Town and Country Planning Act 1990;
"Local Plan"	means any development plan document for the purposes of section 37(3) of the Planning and Compulsory Purchase Act 2004;
"Memorandum"	means this memorandum of understanding;
"Neighbourhood Development Plan"	has the meaning given in section 38A of the Planning and Compulsory Purchase Act 2004;
"Parties"	means the parties to this Memorandum;
"Planning Coordination Group"	means the Planning Coordination Group that may be established by the LLDC in accordance with the terms of reference contained in Schedule 3
"Planning Functions Order"	means the London Legacy Development Corporation (Planning Functions) Order 2012 statutory instrument number 2167;
"Planning History"	means details of all pre-application discussions all planning applications all reserved matters applications and any enforcement action (actual or otherwise) in respect of a property, including meeting minutes, decision notices, consents, appeals, enforcement notices, applications for planning permission, applications for reserved matters and applications for certificates of lawful use;
"Planning Policy Forum"	means the Planning Policy Forum that may be established by the LLDC in accordance with the terms of reference contained in Schedule 3
"Qualifying Body"	has the meaning given in section 38A of the Planning and Compulsory Purchase Act 2004;
"Strategic Regeneration Framework Convergence Principle"	means the SRF action plan (2011 – 2015) and its three themes: creating wealth and reducing poverty; supporting healthier lifestyles; and developing successful neighbourhoods.
"Supplementary Planning Document"	means a supplementary planning document;

"Working Day"

means a day other than a Saturday or a Sunday or public holiday in England or the period between 24 December and 1 January inclusive

1.2 In this Memorandum, "including" means "including without limitation".

2. THE PARTIES

2.1 The LLDC is entering into this Memorandum in its capacity as local planning authority only and references to the LLDC shall be construed as meaning the Planning Policy and Decisions Team within the LLDC;

2.2 The Boroughs are entering into this Memorandum in their capacity as local planning authorities only and references to each of the Boroughs shall include their respective successors to the functions of the local planning authority.

3. COMMENCEMENT AND LEGAL EFFECT

3.1 This Memorandum shall commence and be effective upon the date hereof.

3.2 This Memorandum shall continue until such time as the LLDC ceases to be the local planning authority for the Development Area or any part thereof.

3.3 This Memorandum is not intended to be legally binding and nothing in this Memorandum should be construed as conflicting with any agreement or contract involving the Parties or with any statutory or other legal duties of the Parties.

4. DUTY TO COOPERATE AND PRINCIPLES OF WORKING IN PARTNERSHIP

4.1 The LLDC and the Boroughs agree to comply with the duty to co-operate principle in accordance with section 110 of the Localism Act 2011.

4.2 This co-operation shall be between the LLDC and the Boroughs and will be focused on achievement of:

4.2.1 the development and regeneration aims of the LLDC; and

4.2.2 the planning, regeneration and other statutory responsibilities or functions of the Boroughs

for the Development Area and those areas surrounding it. This co-operation shall be focused on, but not limited to, the areas identified in Recital (E) to this Memorandum.

4.3 It is agreed between the Parties that the overall objective of this Memorandum and the co-operation provision in clause 4.2 is to assist in achieving the sustainable development and regeneration of the Development Area and its hinterland and to do so in the context of the Strategic Regeneration Framework Convergence Principle.

4.4 One of the principal methods for engagement on strategic planning issues and priorities will be via a Planning Coordination Group and a Planning Policy Forum between the Boroughs and the LLDC.

5. LOCAL LAND CHARGES AND OTHER INFORMATION

5.1 In order for the Boroughs to maintain the local land charges register pursuant to the 1975 Act the LLDC will provide to the relevant Borough any document it produces or receives which falls within any of the descriptions in section 1 of the 1975 Act and is therefore a local land charge.

5.2 The LLDC will provide the relevant Borough with sufficient details to enable a local land charge to be registered and:

5.2.1 in particular it shall provide the information set out in Schedule 1 to this Memorandum for the following (where the following relates to all or part of the Development Area):

- (a) planning applications submitted to the LLDC;
- (b) resolutions and decision notices of the LLDC in relation to planning applications, listed building applications, advertisement applications and other planning consents;
- (c) copies of enforcement, breach of condition and stop notices served by the LLDC;
- (d) resolutions and decisions of the LLDC to instigate enforcement proceedings (including breach of condition notices);
- (e) environmental impact assessment screening and scoping opinions made by the LLDC;
- (f) agreements made by the LLDC under section 106 of the Town and Country Planning Act 1990;
- (g) provisional and confirmed tree preservation orders made by the LLDC;
- (h) agreements made by the LLDC under sections 38 and/or 278 of the Highways Act 1980;
- (i) provisional and confirmed conservation area designations within the Development Area;
- (j) Local Development Orders made by the LLDC;
- (k) compulsory purchase orders affecting any part of the Development Area;
- (l) traffic schemes within the Development Area;
- (m) lists of assets of community value which the Boroughs are required to maintain pursuant to section 87 of the Localism Act 2011;
- (n) liability for community infrastructure levy within the Development Area; and
- (o) any appeal against the LLDC.

5.2.2 shall provide the information to the borough Land Charges officer at the relevant Borough as identified in Schedule 2 to this Memorandum;

5.2.3 shall endeavour to provide the information to the relevant Borough via an electronic transmission and where this is not reasonably practicable it shall deliver the information by fax, courier or in person; and

5.2.4 shall endeavour to provide the information to the relevant Borough within five Working Days of the final document being produced released made or completed, whichever is the most appropriate in the circumstances.

5.3 Upon receipt of information from the LLDC pursuant to clause 5.2 the Borough will process the information according to its standard procedures and register the local land charge as soon as reasonably practicable.

6. LOCAL LAND AND PROPERTY GAZETTEER

6.1 It is the responsibility of the Boroughs to update the Local Land Property Gazetteer ("**LLPG**"), create new addresses and Unique Property Reference Numbers ("**UPRN**"). The LLDC cannot create a new address or UPRN.

6.2 Where the LLDC receives a planning application for a property without an existing address and/or UPRN within one Working Day of registration of such planning application it shall:

6.2.1 provide the site plan and any other relevant information to the person at the relevant Borough as identified in Schedule 2 to this Memorandum; and

6.2.2 endeavour to provide the site plan to the relevant Borough via an electronic transmission (if practicable in the circumstances) and endeavour to send the site plan as a pdf (portable document format).

6.3 Upon receipt of a site plan from the LLDC pursuant to clause 6.2 the Borough will process the information according to its standard procedures and shall provide the required information to the LLDC as soon as reasonably practicable and in any event within five Working Days of receipt of the site plan to ensure the LLDC's consideration of the planning application is not delayed.

6.4 Upon receipt of the information from the Borough pursuant to clause 6.3 the LLDC will update its GIS mapping system and input the data into the town planning database.

7. PLANNING HISTORY

7.1 Where the LLDC receives a planning application, in order to obtain the Planning History for the relevant property:

7.1.1 it shall first endeavour to obtain the Planning History from the relevant Borough's website; and

7.1.2 where it is unable to obtain any of the Planning History pursuant to clause 7.1.1 it shall request the Planning History from the person at the relevant Borough identified in Schedule 2 to this Memorandum.

7.2 Where a Borough receives a request pursuant to clause 7.1.2 it shall make arrangements with the LLDC to provide the Planning History within a timescale to be agreed between the LLDC and the relevant Borough (but no later than 5 Working Days from the LLDC's request). Where the Planning History is not available, the Borough shall confirm this to the LLDC within 5 Working Days.

7.3 The Borough shall provide the Planning History requested pursuant to clause 7.1.2:

7.3.1 by electronic transmission; or

7.3.2 if delivery by clause 7.3.1 is not practicable, the LLDC will engage a courier to collect the Planning History from the Borough.

7.4 In all cases the use of mail should be avoided wherever possible as this may cause delay in receiving the information.

8. CONSULTATION AND NOTIFICATION

PRE-APPLICATION ENGAGEMENT

- 8.1 On pre-application engagement, the LLDC will work with the Boroughs to ensure a co-ordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns. Where the LLDC is approached for pre-application comment on a major development proposal within the Development Area (more than 10 dwellings or more than 1,000 sq.m gross floorspace), the LLDC will:
- 8.1.1 contact the relevant Borough lead officer for pre-application proposals to agree whether the Borough wishes to be involved in pre-application discussions and which Borough technical officers are likely to be involved. The LLDC expects that Borough planning officers will act as the co-ordinator of technical comments on the development proposal unless otherwise advised by the Borough;
 - 8.1.2 confirm to prospective applicants that it supports the involvement of the Borough in discussion of pre-application proposals in order to ensure a co-ordinated and comprehensive approach to pre-application advice;
 - 8.1.3 except where advised to the contrary, provide copies of any submitted pre-application material received from the prospective applicant and invite relevant Borough officers to any pre-application meetings;
 - 8.1.4 where appropriate and except where advised to the contrary, support Borough requests for the payment of its reasonable costs to provide technical advice on pre-application proposals as may be identified by the Borough in its statement of pre-application charges for schemes in the Development Area;
 - 8.1.5 where appropriate and except where advised to the contrary, share any draft Planning Performance Agreement ("PPA") in whole or in part (as at the LLDC's discretion);
 - 8.1.6 where appropriate and except where advised to the contrary, share drafts of pre-application advice reports (in whole or in part, as at the LLDC's discretion) to ensure that Borough technical comments have been represented accurately;
 - 8.1.7 where appropriate and except where advised to the contrary, provide a copy of the final pre-application advice report (in whole or in part, as at the LLDC's discretion) to the Borough issued by the LLDC to the prospective applicant.
- 8.2 The LLDC and the Boroughs will ensure that pre-application proposals for large scale major development (more than 100 dwellings or more than 5,000 sq.m gross floorspace) are presented to the Planning Coordination Group for comment. In addition, there shall be a standing item on the agenda for the Planning Coordination Group meetings which relates to pre-application proposals and under this item Boroughs and the LLDC have the opportunity to discuss strategic planning issues arising from the proposals and use the meeting to escalate any strategic planning concerns which Boroughs consider are not being appropriately or adequately represented by the LLDC in pre-application discussions or in its draft pre-application advice reports.
- 8.3 The Boroughs will ensure that any large scale major development pre-application proposals which may have an impact on the Development Area will either be tabled for discussion at the Planning Coordination Group or be the subject of discussion with the Director of Planning Policy and Decisions of the LLDC in order to determine how the LLDC can best engage with the Borough and respond to the pre-application proposals.
- 8.4 On pre-application proposals within the Development Area, Boroughs will

- 8.4.1 identify a lead planning officer as a single point of initial contact for all pre-application enquiries. The lead officer will advise the LLDC whether, and if so, the Borough wishes to be involved in pre-application discussions, including which Borough technical officers are likely to be involved;
- 8.4.2 provide written technical comments to the LLDC on the pre-application proposal in accordance with the programme set out in the LLDC's pre-application charging schedule or other programme as agreed with the LLDC; and
- 8.4.3 provide comments on any draft PPA and confirm whether the Borough is to be a signatory of the agreement. If the Borough is to be a signatory, the PPA is to be signed in accordance with a timescale to be agreed with the LLDC.

Planning Applications

- 8.5 The LLDC will carry out statutory consultation on planning applications it receives and may carry out further consultation where it considers this appropriate.
- 8.6 When carrying out consultation on a planning application in the Development Area the LLDC shall consult the Borough(s) in whose area the property the subject of the planning application is situated, save in cases or on types of planning application where the Borough(s) has specifically requested not to be consulted by LLDC.
- 8.7 The consultation pursuant to clause 8.5 shall involve:
 - 8.7.1 the LLDC sending a paper or electronic copy of all the application documents or a letter with a reference to the online planning register where these documents can be found to the Head of Development Management (or equivalent role) at the relevant Borough(s);
 - 8.7.2 the LLDC specifying in a covering letter with the application documents the capacity in which the Borough(s) is being consulted with (for example as local highways authority);
 - 8.7.3 the LLDC allowing the relevant Borough(s) a minimum of 21 days in which to respond to the consultation; and
 - 8.7.4 the Head of Development Management (or equivalent role) at the relevant Borough(s) coordinating any response on behalf of the Borough and sending it to the LLDC.
- 8.8 **The LLDC acknowledges that for large scale major development the relevant Borough may need to report the application to its own planning committee for comment. In these cases, the LLDC acknowledges that the response period in clause 8.7.3 can be extended and that the period for extension shall be agreed by the relevant case officers at the LLDC and the relevant Borough.**
- 8.9 When carrying out consultation on a planning application in its area the Boroughs shall consult the LLDC where it is considered that the proposal may have an effect on the Development Area or is within a distance from the Development Area which has been previously agreed between the Borough and the LLDC subsequent to this Memorandum of Understanding, save in cases or on types of application where the LLDC has specifically requested not to be consulted by the Borough(s).
- 8.10 The consultation pursuant to clause 8.9 shall involve:
 - 8.10.1 the Borough sending a paper or electronic copy of all the application documents or a letter with reference to the online planning register where these documents can be found to the Director of Planning Policy and Decisions of the LLDC;

- 8.10.2 the Borough allowing the LLDC a minimum of 21 days in which to respond to the consultation; and
- 8.10.3 the Director of Planning Policy and Decisions of the LLDC coordinating any response on behalf of the LLDC and sending it to the Borough.

9. **PREPARATION OF LOCAL PLANS, SUPPLEMENTARY PLANNING DOCUMENTS, CIL CHARGING SCHEDULES ETC**

9.1 In the preparation of a Local Plan, Supplementary Planning Document, CIL Charging Schedule or any other planning document, schedule or plan by the LLDC or a Borough, the LLDC and the applicable Borough shall endeavour to cooperate with each other in order to optimise expertise and information and the proper planning of the Development Area and the applicable Borough area, including in relation to the preparation or updating of an evidence base associated with a Local Plan, Supplementary Planning Document or CIL Charging Schedule including collection and analysis of data.

9.2 Unless otherwise legally restricted from doing so, the LLDC and the Boroughs will cooperate in the exchange of data (including electronically held data and GIS mapping data) relating to the evidence base for a Local Plan, Supplementary Planning Document, CIL Charging Schedule or any other planning document, schedule or plan prepared by the LLDC or Borough and any other relevant planning matters. Arrangements for such co-operation should be agreed on a case by case basis. The LLDC and the Boroughs will establish a formal policy officer group to provide a forum for such exchange of information for each member of the group and to manage cooperation in respect of the relevant aspects of their respective Local Plans, Supplementary Planning Documents, CIL Charging Schedules and any other planning document, schedule or plan. The group will meet on a regular agreed timescale, and endeavour to do so at least six times each year.

10. **GENERAL COOPERATION**

London Development Database

10.1 Where a Borough has entered into an agreement to complete information returns using the London Development Database, that function shall be carried out by the LLDC for reporting relevant planning permission and development completion information for development control decisions for which it is the local planning authority.

Conservation Areas

10.2 Where it is considered appropriate to designate a conservation area within the Development Area, or where it is considered necessary to update a conservation area appraisal for an existing conservation area, the LLDC and the relevant Borough shall cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, each, making relevant resources available as appropriate.

Listed Buildings

10.3 Where it is considered appropriate to add a building or structure to the local list, the LLDC and appropriate Borough shall cooperate in that process. Where appropriate, in determining applications for listed building consent, the LLDC and the appropriate Borough shall cooperate in making appropriate expert resources available to advise on matters in relationship to that proposal.

Planning Appeals

10.4 The LLDC will notify Boroughs of all planning appeals within its Development Area in accordance with statutory regulations and generally encourage the involvement of the relevant Borough in the appeal process. Where it is considered appropriate, the LLDC and

the relevant Borough shall cooperate on the preparation of evidence and in making expert resources available to advise, prepare and present evidence in relation to the appeal.

Planning Enforcement

- 10.5 The LLDC will undertake its planning enforcement function in accordance with its Planning Enforcement Plan approved by the LLDC Planning Committee in December 2012 or as reviewed and updated. This states that the LLDC will manage its enforcement function proactively and proportionately, including cooperation with relevant services in the Boroughs to ensure a coordinated approach to enforcement. Where appropriate, the LLDC and the relevant Borough shall cooperate, including making available expert resources, in order to ensure that effective and proportionate enforcement against breaches of planning control takes place. In addition, the LLDC will work proactively with the relevant Boroughs to cooperate on enforcement action where there is a failure to comply with legal obligations pursuant to section 106 of the Town and Country Planning Act 1990, particularly those where the obligations relate directly to payments or infrastructure which is to be passed to the Borough.

LIST OF ASSETS OF COMMUNITY VALUE (SECTION 87 OF THE LOCALISM ACT 2011)

- 10.6 Where the LLDC in its role as a Local Planning Authority receives a request from a third party to include an asset on a borough List of Assets of Community Value, it will refer the request to the appropriate borough for its consideration. Where LLDC itself considers that it is appropriate to add an asset to the borough list, it will write to the relevant borough and request that the asset is added to the list.

Section 106 Agreements

- 10.7 Where the LLDC resolves to approve any application submitted to it subject to the completion of a legal agreement made under section 106 of the Town and Country Planning Act 1990 and other enabling powers and the LLDC requests any of Hackney, Newham, Tower Hamlets and/or Waltham Forest to enter into such agreement, Hackney, Newham, Tower Hamlets and/or Waltham Forest (as applicable) shall enter into such agreement as soon as reasonably practicable.

Confidentiality

- 10.8 Each party undertakes that it shall treat any confidential information provided to it by another party to this Memorandum with the utmost confidentiality and shall not at any time during this Memorandum disclose to any person such confidential information except as permitted by clause 10.9.
- 10.9 Each party may disclose confidential information provided to it by another party:
- 10.9.1 to its employees, officers, representatives or advisers who need to know such information for the purposes of carrying out the party's obligations under this Memorandum. Each party shall ensure that its employees, officers, representatives or advisers to whom it discloses the other party's confidential information comply with clauses 10.8 and 10.9; and
 - 10.9.2 as may be required by law, a court of competent jurisdiction or any governmental or regulatory authority.
- 10.10 No party shall use any other party's confidential information for any purpose other than to perform its obligations under this Memorandum.

11. REGENERATION PROJECTS ON BOROUGH OWNED LAND

Where a Borough holds a substantial interest in land in the Development Area which has been identified by the LLDC or the Borough for development or regeneration, the LLDC and the

Borough will enter into a protocol which shall establish governance arrangements and facilitate practical working arrangements between the LLDC and the Borough in relation to town and country planning matters, including any PPAs. Details of such protocol arrangements should be agreed on a case by case basis.

12. **MONITORING**

- 12.1 In order to monitor the progress and effectiveness of this Memorandum, the Planning Coordination Group and the Planning Policy Forum, the LLDC shall review this Memorandum and the Planning Coordination Group and the Planning Policy Forum every three years from the date of this Memorandum. If, following this review, modifications to this Memorandum and/or to the Planning Coordination Group and/or to the Planning Policy Forum are recommended by the LLDC, the Parties to this Memorandum shall use reasonable endeavours to agree such recommendations and modify this Memorandum accordingly.
- 12.2 The LLDC shall prepare an annual monitoring report on the effectiveness of the arrangements on cooperation and consultation of the MoU, the Planning Coordination Group and the Planning Policy Forum and will be circulated to all Parties. These annual reports will be reported to the LLDC Planning Committee and will include recommendations for actions if necessary. These actions in the annual reviews will then inform the 3 year review of the MoU. The start date for the annual review is to be from the signing of the MoU as per paragraph 13.1.

SCHEDULE 1

DETAILS REQUIRED TO BE PROVIDED FOR LOCAL LAND CHARGES

- 13. Details to be provided for:
 - 13.1 planning applications, listed building, advertisement and other planning consents:
 - 13.1.1 Address of application
 - 13.1.2 Description of application
 - 13.1.3 Name of applicant / agent
 - 13.1.4 LLDC reference number
 - 13.1.5 Date received
 - 13.1.6 Date valid
 - 13.1.7 Application type
 - 13.2 resolutions and decision notices in relation to planning applications:
 - 13.2.1 Copy of decision notice (including reference, date and conditions/reasons for refusal)
 - 13.2.2 Site location plan
 - 13.3 enforcement, breach of condition and stop notices:
 - 13.3.1 Copy of notice
 - 13.3.2 Address of property
 - 13.3.3 LLDC reference number
 - 13.4 environmental impact assessment screening and scoping opinions:
 - 13.4.1 Address of site
 - 13.4.2 Name of applicant
 - 13.4.3 LLDC reference number
 - 13.4.4 LLDC opinion
 - 13.4.5 Date of decision
 - 13.5 agreements made under the Town and Country Planning Act 1990 or the Highways Act 1980:
 - 13.5.1 Address of site
 - 13.5.2 Copy of agreement
 - 13.6 provisional and confirmed tree preservation orders:
 - 13.6.1 Address of site

- 13.6.2 Copy of tree preservation order
- 13.6.3 Date of expiry of provisional tree preservation order
- 13.7 appeals made in relation to any decision of the LLDC in relation to planning:
 - 13.7.1 PINS reference number
 - 13.7.2 Notice of appeal
 - 13.7.3 Copy of PINS decision
- 13.8 provisional and confirmed conservation area ("**CA**") designations and Local Development Orders ("**LDO**"):
 - 13.8.1 Address of Site
 - 13.8.2 Copy of consultation draft CA designation or LDO
 - 13.8.3 Copy of final CA designation or LDO
- 13.9 compulsory purchase orders:
 - 13.9.1 Address of site
 - 13.9.2 Copy of the draft compulsory purchase order
 - 13.9.3 Copy of the made compulsory purchase order
- 13.10 traffic schemes
 - 13.10.1 [Address of Site
 - 13.10.2 Detail of works
 - 13.10.3 Copy of decision notice (including reference, date and conditions/reasons for refusal)
- 13.11 provision of information in relation to community infrastructure levy:
 - 13.11.1 Copy of liability notice
 - 13.11.2 Copy of demand notice
 - 13.11.3 Receipt issued following satisfaction of demand notice

CONTACT DETAILS FOR THE LLDC AND THE BOROUGHES¹

LLDC	
Head of Development Management (or equivalent)	
Land Charges	
UPRN Contact	
Hackney	
Head of Development Management (or equivalent)	
Land Charges	
UPRN Contact	
Newham	
Head of Development Management (or equivalent)	
Land Charges	
UPRN Contact	
Tower Hamlets	
Head of Development Management (or equivalent)	
Land Charges	
UPRN Contact	
Waltham Forest	
Head of Development Management (or equivalent)	
Land Charges	
UPRN Contact	

14. **PLANNING POLICY FORUM**

14.1 **Background**

- 14.1.1 The LLDC, from 1 October 2012, has become the local planning authority for the Development Area. Its powers include those for plan making and it is also able to prepare a CIL Charging Schedule for its area. The LLDC therefore intends to prepare a Local Plan and a CIL Charging Schedule.
- 14.1.2 The Development Area is currently covered by a range of adopted planning policy documents, with each Borough having an adopted core strategy, while area action plans have been adopted for both Hackney Wick and Fish Island. A range of relevant evidence base material exists that results from this associated plan making activity and is applicable to plan making within the Development Area.
- 14.1.3 Section 110 of the Localism Act 2011 introduced the duty to cooperate which applies to public bodies which include the LLDC and the Boroughs. This provides a formal legal basis for cooperation during the plan making and CIL Charging Schedule processes.
- 14.1.4 The Planning Policy Forum is a group representing the relevant plan making authorities and the local authorities within the Development Area with the purpose of providing a forum for cooperation in respect of the Development Area's Local Plan and CIL Charging Schedule and other matters related to the LLDC's plan making function.
- 14.1.5 While it is the general intention of the Parties represented at the Planning Policy Forum meetings to facilitate that cooperation and to achieve agreement on relevant matters, it is recognised that occasions may arise when cooperation cannot result in agreement. Where possible, however, the Parties represented are committed to resolving matters that arise and will use discussion at the Planning Policy Forum meeting to do so where this is appropriate.

14.2 **Purpose of the Planning Policy Forum**

- 14.2.1 The purpose of the Planning Policy Forum is to:
- (a) facilitate discussion and input to the development of the LLDC's Local Plan and any other relevant planning policy matters;
 - (b) facilitate discussion on matters relating to the LLDC's CIL Charging Schedule development and implementation;
 - (c) facilitate discussion in relation to evidence base for the LLDC's Local Plan, CIL Charging Schedule and any other relevant planning policy matter;
 - (d) enable provision of updates from all parties represented on programme and content of relevant planning policy work;
 - (e) facilitate discussion on coordination of policy matters where relevant to local planning authority cross boundary issues;
 - (f) facilitate discussion on cooperation in respect of matters relating to monitoring and reporting for policy, plans and development activity where this is required and where this is necessary to fulfil the relevant obligations of the authorities represented.

14.3 **Frequency**

It is intended that the Planning Policy Forum meets approximately once every six weeks during the LLDC's Local Plan preparation period, unless agreed otherwise at a meeting of the Forum.

14.4 **Membership**

14.4.1 The membership of the Forum will comprise representatives of the following authorities who are in a position to represent their authority for the matters relating to the terms of reference:

- (a) London Borough of Hackney
- (b) London Borough of Newham
- (c) London Borough of Tower Hamlets
- (d) London Borough of Waltham Forest
- (e) Greater London Authority
- (f) London Legacy Development Corporation
- (g) Lee Valley Regional Park Authority

14.5 **Meeting Organisation and Recording**

A regular programme of meeting dates will be agreed in advance. Where additional meetings are required, notification of meetings, or of changes to meeting dates will be no less than one week in advance. An agenda for each meeting will be circulated at least one week in advance of each meeting. A note of the previous meeting will be circulated with any agenda.

15. **PLANNING COORDINATION GROUP**

15.1 **Purpose**

- 15.1.1 To act as a senior office group for discussion of issues relating to planning proposals within the Development Area and the surrounding environs including pre-application proposals, planning applications and planning enforcement and Local Plan/CIL Charging Schedule.
- 15.1.2 To advise and seek resolution of any matters of dispute between the participating parties in relation to planning issues.

15.1.3 To advise the LLDC's Director of Planning Policy and Decisions on the positions of each of the parties relating to planning proposals within the Development Area and the surrounding environs including pre-application proposals, planning applications and planning enforcement and Local Plan/CIL Charging Schedule.

15.1.4 To receive presentations from prospective applicants.

15.1.5 The Planning Coordination Group is a consultative rather than an executive body, and will operate in an open and transparent manner. It may not bind any of the participating parties, which will be free to determine their own comments and positions on planning issues while taking account of the Planning Coordination Group discussions. Nonetheless, the expectation is that participating parties will support positions that the Planning Coordination Group has agreed wherever possible.

15.2 **Frequency of Meetings:**

Meetings of the Planning Coordination Group will be held at least once every two months and will be chaired by the LLDC Director of Planning Policy and Decisions or nominated representative.

15.3 **Membership**

15.3.1 The membership of the Group will comprise representatives of the following authorities who are in a position to represent their authority for the matters relating to the terms of reference:

- (a) London Borough of Hackney
- (b) London Borough of Newham
- (c) London Borough of Tower Hamlets
- (d) London Borough of Waltham Forest
- (e) Greater London Authority
- (f) London Legacy Development Corporation
- (g) Lee Valley Regional Park Authority

15.4 **Meeting Organisation and Recording**

A regular programme of meeting dates will be agreed in advance. Where additional meetings are required, notification of meetings, or of changes to meeting dates will

be no less than one week in advance. An agenda for each meeting will be circulated at least one week in advance of each meeting. A note of the previous meeting will be circulated with any agenda.

Appendix 2: Waste Planning Memorandum of Understanding between London Legacy Development Corporation and the North London Boroughs Waste Planning Group

Planning and Compulsory Purchase Act, Section 33A – Duty to Co-operate

Memorandum of Understanding (“MoU”) providing a framework for co-operation between London Legacy Development Corporation (“Legacy Corporation”) and the North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest (“North London Boroughs”) undertaking the North London Waste Plan (“NLWP”).

Background

1 The North London Boroughs are working together as waste planning authorities (“WPAs”) to prepare the NLWP. The NLWP will set out the planning framework for waste management in the North London Boroughs for the next 15 years. It will identify sites for waste management use and set out policies for determining waste planning applications. Adoption of the NLWP is expected to be in early 2017.

2 The Legacy Corporation is a Mayoral development corporation, established in March 2012 with responsibility for securing the regeneration of an area of London focused on the former Olympic Park. The Legacy Corporation’s area includes parts of the London Boroughs of Newham, Waltham Forest, Hackney and Tower Hamlets (“Host Boroughs”). The London Boroughs of Hackney and Waltham Forest are both members of the North London Boroughs.

3 By virtue of article 3 of the London Legacy Development Corporation (Planning Functions) Order 2012 (“2012 Order”) and section 7A of the Town and Country Planning Act 1990, the Legacy Corporation is the planning authority for the defined “*development area*”¹ for the purposes of Part 3 of the Town and Country Planning Act 1990 and Parts 2 and 3 of the Planning and Compulsory Purchase Act 2004. As a result it is responsible for all development management decisions and development plan preparation including waste planning within the Legacy Corporation’s area. In August 2014, the Legacy Corporation published its draft local plan for statutory consultation (“Local Plan”). The Local Plan was adopted in July 2015. The Local Plan carries forward and develops growth ambitions for the Legacy Corporation’s area that are set out in the London Plan 2011 and builds on the Host Borough development plan documents that were adopted at the time that the Legacy Corporation received its planning powers.

4 The London Plan has a strategy for London to achieve net self-sufficiency in managing waste arising in London by 2026. Under the London Plan, each London borough including each of the North London Boroughs is given an apportionment of waste arisings for which it should plan waste management provision. The North London Boroughs are planning to meet their combined apportionment targets through the NLWP. The London Plan does not include a waste apportionment for the Legacy Corporation planning authority area, which includes parts of Hackney and Waltham Forest from the North London Boroughs. A formal working relationship is required between the Legacy Corporation and the North London Boroughs in securing the delivery of an effective waste plan for North London.

Proportion of North London Boroughs within Legacy Corporation area

5 The proportion of each borough area that falls within the Legacy Corporation Boundary is set out within Table 1 below.

¹ Defined in Article 2 to the Order as meaning the area of land described as a Mayoral development area, and in relation to which a Mayoral development corporation is established, by the London Legacy Development Corporation (Establishment) Order 2012

Table 1 Proportion of Legacy Corporation Area by Borough

LB Newham	63%
LB Tower Hamlets	16%
LB Hackney	16%
LB Waltham Forest	5%

6 Approximately seventy six percent (76%) of the projected growth in the Legacy Corporation's Local Plan is expected to come forward within the boundary of the London Borough of Newham. Just over a further eighteen percent (18%) is expected in the London Borough of Tower Hamlets, and the remaining six percent (6%) is expected to come forward within the London Borough of Hackney. None is planned within the London Borough of Waltham Forest as this portion comprises the Lea Valley Hockey and Tennis Centre at Eton Manor and Chobham Academy school playing fields which have open space/MOL designation, and the established Temple Mills Bus Depot site, designated as a Locally Significant Industrial Site.

Existing Frameworks for Co-operation

7 A formal memorandum of understanding governing co-operation in plan making (amongst other activities) between the Legacy Corporation and the London Boroughs of Hackney and Waltham Forest was agreed in 2013. Co-operation is already taking place between the Legacy Corporation and the London Boroughs of Hackney and Waltham Forest in terms of plan-making. This includes attendance of borough officers representing Hackney and Waltham Forest at the established Planning Policy Forum Meetings.

8 A further formal memorandum of understanding exists between the seven North London Boroughs as the basis of working collaboratively on the NLWP. It establishes the lead borough, sets out how contracts will be let and creates terms of reference for the inter-borough grouping. The memorandum of understanding between the seven North London Boroughs describes how disputes will be resolved. It sets out the timetable and budget for the NLWP and how costs will be shared.

9 The North London Boroughs have prepared a Duty to Co-operate Protocol which will be used as the basis of co-operation; principally with other WPAs who receive significant quantities of waste from north London.

Co-operation between Legacy Corporation and the North London Boroughs

10 The North London Boroughs and Legacy Corporation have co-operated in the preparation of:

- the Legacy Corporation draft Local Plan through meetings and correspondence via email and letter; and
- the NLWP through feedback on potential sites in the Legacy Corporation area provided by Legacy Corporation.

11 Co-operation will continue to take place through appropriate methods including:

- written correspondence
- exchange of information and verification of data
- meetings:
 - Attendance of borough officers representing London Boroughs of Hackney and Waltham Forest at the established Planning Policy Forum Meetings, which take place every month to six weeks in accordance with the 2013 memorandum of understanding.
 - Meetings between officers of the North London Boroughs and the Legacy Corporation at least annually and more frequently where it is agreed that such additional meetings are appropriate and necessary to the preparation or

review of relevant Development Plan Documents.

- agreement of key issues
- statement of common ground
- Memorandum of Understanding

12 The future co-operation between the Legacy Corporation and the North London Boroughs will be focused on the following areas with a view towards maximising the effectiveness of our respective plan making and securing sustainable development in accordance with our respective corporate objectives:

- policy approach to planning for waste within each local plan
- site analysis and selection within each local plan
- the further preparation, collection and updating of evidence base documents relating to waste planning
- the exchange of data (including electronically held data and GIS mapping data) relating to the evidence base for development plan documents
- the approach of the NLWP to identifying potential waste sites in North London to meet future capacity requirements in compliance with the London Plan
- the approach of the Legacy Corporation to meeting its strategic waste planning responsibilities where site capacity for waste management has not been or cannot be met by appropriate identified sites within the Legacy Corporation Local Plan for the areas of Hackney and Waltham Forest within the Legacy Corporation area

13 To secure the delivery of an effective waste plan for North London, the North London Boroughs and the Legacy Corporation agree that the areas listed in Table 2 are potentially suitable for waste management use. The North London Boroughs and Legacy Corporation have reached this conclusion after carrying out their own assessments of the areas described in evidence base documents. Acceptability of proposals for waste management uses in those locations will be determined with reference to Policy IN.2 and other relevant policies within the Legacy Corporation Local Plan and any other relevant material considerations that apply to that proposal. The North London Boroughs and the Legacy Corporation will take steps to reflect this in their respective plans.

Table 2 Areas in Hackney and Waltham Forest portions of the Legacy Corporation area potentially suitable for waste management use

Area ref	Site Name	Borough	Waste facility type: potential suitability
HAC09	Bartrip Street LSIS	Hackney	Waste transfer; Processing and recycling
HAC13	Palace Close SIL (to the west of Chapman Road)	Hackney	Waste transfer; Processing and recycling
	Temple Mills Lane LSIS	Waltham Forest	Waste transfer; Processing and recycling

14 The Legacy Corporation will decide planning applications for waste uses in its area in line with its Local Plan including Policy IN.2: Planning for waste, taking full account of the waste apportionment targets set for each Borough within the London Plan, the adopted local waste plans or waste planning policy for that Borough and the development of new or review of existing adopted waste plans for that Borough.

Resources and timescales

15 The Legacy Corporation and the North London Boroughs will use reasonable endeavours to respond in a timely manner to any request for information from the other.

16 The Legacy Corporation and the North London Boroughs officers had a preliminary agreement in place for the hearings of the Legacy Corporation Local Plan in March 2015 which will be subject to formal ratification by each North London Borough. An update to this agreement may be required in 2016 at the submission of the NLWP to the Secretary of State.

17 Both parties will inform each other of any changes in their plan making timetable.

Level of sign off -

18 The North London Boroughs will sign off agreements under the Duty to Co-operate using appropriate measures under their respective constitutions.

19 The Legacy Corporation will sign off agreements under the Duty to Co-operate using delegated powers.

Confidentiality

20 In the course of our co-operation, the Legacy Corporation and the North London Boroughs may exchange confidential information. Each organisation will treat any confidential information provided to it by the other with the same degree of care that it treats its own confidential information, and never with less than reasonable care, and shall not at any time disclose such information except:

- a) to employees, members, officers, representatives or advisers who need to know such information for the purposes of carrying out their organisation's obligations under this letter; or
- b) as may be required by law, a court of competent jurisdiction or any governmental or regulatory authority.

21 The Legacy Corporation and the North London Boroughs shall ensure that employees, officers, representatives or the advisers to whom confidential information is disclosed shall comply with the above restrictions. Neither the Legacy Corporation nor the North London Boroughs shall use the other's confidential information for any purpose other than to perform its obligations under this letter.

Monitoring

22 This Memorandum shall continue until such time as the Legacy Corporation ceases to be the local planning authority for the development area (see para 3 above) or any part thereof. The terms of this MoU will be reviewed at a meeting between officers of the Legacy Corporation and the North London Boroughs at least annually. If either the Legacy Corporation or the North London Boroughs thinks it necessary, the terms of the co-operation can be reviewed earlier on at least seven days written notice. If following any review, either the Legacy Corporation or the North London Boroughs reasonably considers that modifications to this MoU are necessary to maximise the effectiveness of our respective plan making, the Legacy Corporation and the North London Boroughs shall use reasonable endeavours to agree such modifications.

23 Neither the Legacy Corporation nor the North London Boroughs intend this MoU to create legally enforceable obligations, and nothing in this letter should be construed as conflicting with any agreement or contract involving either the Legacy Corporation or any of the North London Boroughs, or with any statutory or other legal duties of the Legacy Corporation or any of the North London Boroughs.

Appendix 3: Waste Planning Memorandum of Understanding between London Legacy Development Corporation and London Borough of Tower Hamlets

Memorandum of Understanding (MoU) between the London Borough of Tower Hamlets and the London Legacy Development Corporation (LLDC) with regards to waste

This Memorandum of Understanding is made this 10th day of July 2018 between

- (1) THE LONDON BOROUGH OF TOWER HAMLETS of Mulberry Place, 5 Clove Crescent, London E14 2BG ("Tower Hamlets") and*
- (2) THE LONDON LEGACY DEVELOPMENT CORPORATION (LLDC) of 1 Stratford Place, Montfichet Road, London E20 1EJ ("Legacy Corporation")*

1. Background and Purpose of Memorandum of Understanding

1.1 This Memorandum of Understanding ("MoU") provides a framework for co-operation on waste planning between Tower Hamlets and the Legacy Corporation.

1.2 Tower Hamlets and the Legacy Corporation are entering into this MoU in their capacity as local planning authorities and waste planning authorities only.

1.3 Tower Hamlets has an adopted Local Plan which comprises:

- Core Strategy (adopted in 2012)
- Managing Development Document (adopted in 2012)

1.4 Tower Hamlets is now in the final stages of preparing a new Local Plan to guide investment decisions and development over the period to 2031. Local Plan: The "Tower Hamlets Local Plan: Managing Growth and Sharing the Benefits" has been submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government to undergo a public examination. The public examination is due to take place in September and October 2018, after which the new Local Plan will be adopted.

1.5 The Legacy Corporation is a mayoral development corporation, established in March 2012, with responsibility for securing the regeneration of an area of London focused on the former Olympic Park. The Legacy Corporation's area includes parts of the London boroughs of Newham, Waltham Forest, Hackney and Tower Hamlets ("Host Boroughs").

1.6 By virtue of article 3 of the London Legacy Development Corporation (Planning Functions) Order 2012 and section 7A of the Town and Country Planning Act 1990, the Legacy Corporation is the planning authority for the defined "development area"¹ for the purposes of part 3 of the Town and Country Planning Act 1990 and parts 2 and 3 of the Planning and Compulsory Purchase Act 2004. As a result, it is responsible for all

¹ Defined in Article 1 to the order as meaning the area of land described as a Mayoral development area, and in relation to which a Mayoral development corporation is established, by the London Legacy Development Corporation (Establishment) Order 2012

development management decisions and development plan preparation including waste planning.

1.7 The Legacy Corporation adopted its Local Plan in July 2015 ("LLDC Local Plan"). This is currently being reviewed.

1.8 The London Borough of Tower Hamlets is a waste planning authority and is required to plan for waste in its area, including having regard to waste apportionment targets set out in the London Plan. The borough is doing this through waste policies in the new Local Plan. The Legacy Corporation is a planning authority, and as such sets out its approach to waste planning through the waste policies within the LLDC Local Plan, adopted in 2015 and currently under review. The Legacy Corporation does not have an apportionment target in the London Plan and works closely with the Host Boroughs and their relevant waste partnerships where such targets are in place in order to support them in reaching their apportionment target.

1.9 The London Plan has a strategy for London to achieve net self-sufficiency in managing waste arising in London by 2026. Under the London Plan, each London borough is given an apportionment of waste arisings for which it should plan waste management provision. Tower Hamlets are planning to meet the apportionment targets through the new Local Plan. The London Plan does not include a waste apportionment for the Legacy Corporation planning authority area, which includes parts of Tower Hamlets, but the Legacy Corporation is required to co-operate with Tower Hamlets and support the borough in meeting their apportionment targets.

1.10 A formal working relationship is required between Tower Hamlets and the Legacy Corporation to ensure the delivery of an effective waste plan for Tower Hamlets.

2. Commencement and Legal Effect

2.1 This MoU shall commence and be effective upon the date hereof.

2.2 This MoU shall continue until such time as the Legacy Corporation ceases to be the local planning authority for the development area.

2.3 Neither organisation intend this MoU to create legally enforceable obligations, and nothing in this MoU should be construed as conflicting with any agreement or contract involving either Tower Hamlets or the Legacy Corporation, or with any statutory or other legal duties of Tower Hamlets or the Legacy Corporation.

3. Existing Frameworks for Co-operation

3.1 Tower Hamlets and the Legacy Corporation agree to comply with the duty to co-operate principle in accordance with section 33A of the Planning and Compulsory Purchase Act 2004 (as inserted by section 110 of the Localism Act 2011).

4. Co-operation between Tower Hamlets and the Legacy Corporation

4.1 Tower Hamlets and Legacy Corporation have co-operated in the preparation of:

- the Legacy Corporation adopted Local Plan and its current review through meetings and correspondence via email, letters and telephone discussions;
- Tower Hamlets draft new Local Plan through feedback on potential sites in the Legacy Corporation area provided by Legacy Corporation; and
- through the Planning Policy Forum, organised and hosted by the Legacy Corporation.

4.2 Co-operation will continue to take place through appropriate methods including the following:

- Written correspondence
- Exchange of information and verification of data
- Meetings:
 - Attendance of borough officers representing Tower Hamlets at the Planning Policy Forum meetings.
 - Meetings between officers of Tower Hamlets and the Legacy Corporation at least annually and, more frequently, where it is agreed that such additional meetings are appropriate and necessary to the preparation or review of relevant Development Plan Documents.
- Working together to find common ground on key issues where these arise through the plan preparation and review processes
- Statement of common ground for the examination in public into the Tower Hamlets Local Plan
- This Memorandum of Understanding (MoU).

4.3 The future co-operation between Tower Hamlets and the Legacy Corporation will be focused on the following areas with a view towards maximising the effectiveness of our respective plan making and securing sustainable development in accordance with each organisation's respective corporate objectives:

- Meeting the requirements of waste planning in the National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW) and the National Planning Practice Guidance (NPPG) and any relevant changes made to these
- Being in general conformity with the London Plan policies for waste planning
- Support Tower Hamlets' in meeting their waste apportionment target as set out in the London Plan
- Identifying and safeguarding existing waste sites, in line with the London Plan
- Updating of evidence base documents relating to waste planning, as required
- Exchange of data (including electronically held data and GIS mapping data) relating to the evidence base for development plan documents
- Opportunity to comment on any planning applications which relate to waste development

4.4 To secure the delivery of an effective waste plan for Tower Hamlets, Tower Hamlets and the Legacy Corporation agree that sites listed in table 1 are safeguarded waste sites and the areas listed in table 2 are potentially suitable for waste management use. Tower Hamlets and Legacy Corporation have reached this conclusion after carrying out their own assessments of the areas described in evidence base documents. Acceptability of proposals for waste management uses in those locations will be determined with reference to policy IN.2² in the Legacy Corporation Local Plan, policies in chapter 10 of the new Tower Hamlets Local Plan, and any other relevant development plan policies and material considerations that apply to that proposal.

Table 1: Existing safeguarded waste sites in Tower Hamlets and the Legacy Corporation area

Planning authority	Site name	Site size (ha)	Other designation
Tower Hamlets	Clifford House, Towcester Road	0.46	Strategic Industrial Location
Tower Hamlets	Northumberland Wharf, Yabsley street	0.88	Safeguarded wharf
Tower Hamlets	Ailsa Street	0.53	Ailsa Street: site allocation
Legacy Corporation	McGrath House, Hepscoth Road ³	1.47	Hepscoth Road site allocation
Legacy Corporation	455 Wick Lane	0.47 (0.027 currently used for waste purposes ancillary to civil engineering works)	Strategic Industrial Location: Preferred Industrial Location

Table 2: Areas in Tower Hamlets and the portion of the Legacy Corporation area potentially suitable for waste management use

Planning authority	Area name	Area size (ha)	Designation	Waste facility type: potential suitability
Tower Hamlets	The Highway	2.71	Local Industrial Location	Reuse, refurbishment, repair
Tower Hamlets	Empson Street	0.07	Strategic Industrial Location	Recycling, composting, recovery
Legacy Corporation	Fish Island	9.21	Strategic Industrial Location	Recycling, composting, recovery

4.5 More generally, the Legacy Corporation will decide planning applications for waste uses in its area in line with its Local Plan (including policy IN.2), relevant development plan policies and material considerations, taking full account of Tower Hamlets' waste apportionment targets within the London Plan.

² Or any such policy that supersedes the policy following the completion of the LLDC Local Plan review and adoption of the LLDC Local Plan.

³ The McGrath site at Hepscoth Road in Fish Island is also a site allocation within the LLDC Local Plan for mixed use development. There are plans to move the operations at the facility to another site within London and the Greater London Authority have confirmed that this approach is in line with London Plan policies.

5. Resources and timescales

- 5.1 Tower Hamlets and the Legacy Corporation will use reasonable endeavours to respond in a timely manner to any request for information from the other organisation.
- 5.2 This MoU sets out an agreement between Tower Hamlets and the Legacy Corporation to support the examination into the Tower Hamlets Local Plan
- 5.3 Both parties will inform each other of any changes in their plan making timetable.

6. Level of sign off

- 6.1 Tower Hamlets will sign off this MoU and any related agreements under the duty to co-operate using delegated powers.
- 6.2 The Legacy Corporation will sign off this MoU and any related agreements under the duty to co-operate using delegated powers.

7. Confidentiality

- 7.1 In the course of this co-operation, Tower Hamlets and the Legacy Corporation may provide the other with confidential information. Each organisation will treat any confidential information provided to it by the other with the same degree of care that it treats its own confidential information, and never with less than reasonable care, and shall not at any time disclose such information except:
 - a) to employees, officers, representatives or advisers who need to know such information for the purposes of carrying out their organisation's obligations under this letter; or
 - b) as may be required by law, a court of competent jurisdiction or any governmental or regulatory authority.
- 7.2 Each organisation shall ensure that employees, officers, representatives or the advisers to whom confidential information is disclosed shall comply with the above restrictions. Neither organisation shall use the other's confidential information for any purpose other than to perform its obligations under this letter.

8. Monitoring

- 8.1 The terms of this MoU will be reviewed at a meeting between officers of each organisation at least annually. If either organisation thinks it necessary, the terms of the co-operation can be reviewed earlier on at least seven days written notice. If following any review, either organisation reasonably considers that modifications to this MoU are necessary to maximise the effectiveness of our respective plan making, both organisations shall use reasonable endeavours to agree such modifications.