

Planning Obligations  
Supplementary Planning Document  
Consultation Report

October 2022

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## 1. Introduction

- 1.1. In June 2022, the London Legacy Development Corporation (the Legacy Corporation) conducted a review of the Planning Obligations Supplementary Planning Document (SPD) to reflect the areas potentially requiring the use of planning obligations as identified in the LLDC Local Plan 2020, policies and site allocations. The Planning Obligations SPD was first adopted in November 2016 and set out the approaches which the LLDC as Local Planning Authority would apply to those matters that the Local Plan had identified as potentially requiring a planning obligation
- 1.2. The statutory public consultation on the draft revised SPD was carried out for seven weeks, between 6 June and 25 July 2022. The purpose of the consultation was to engage those who live, work and have an interest within the Legacy Corporation area and to encourage them to review and comment on the proposed changes. The consultation responses received during the consultation period have informed the final version of the document.
- 1.3. A variety of methods were used to engage with the local community and other stakeholders, including information on a specific webpage for the SPD; emails to a contact database of local residents, statutory and technical consultees, businesses and residents groups. The public consultation engagement included two online workshops, two community meetings, and be-spoke engagement with the key stakeholders such as the four boroughs (London Boroughs of Newham, Hackney, Tower Hamlets, and Waltham Forest), Natural England and TfL. As a result, a total of 13 contributions to the draft revised Planning Obligations SPD were made. A full summary of the consultation responses is set out in Appendix 1.
- 1.4. The purpose of this consultation report is to demonstrate the consultation undertaken in reviewing the SPD in accordance with Regulation 17 of the Town and Country (Local Development) (England) Regulations (as amended) and the Legacy Corporation's adopted Statement of Community Involvement (2017). The consultation report shows how and who has been consulted in the preparation of the SPD and provides a summary of the main issues raised with the consultation responses, and how those issues have been addressed. All consultation comments are set out in Appendix 1 of this document.

## 2. Consultation process/communication and promotion

2.1. The Legacy Corporation ensured a variety of methods were used to facilitate effective engagement throughout the consultation process. This section sets out the process, communication, and promotion of the public consultation.

2.2. The consultation methods used to promote engagement during consultation process were selected in accordance with statutory requirements, the Legacy Corporation SCI (2017) and other good practices. The methods used were varied and selected to facilitate effective and proportionate engagement.

2.3. Table 1 provides a summary of consultation methods; these are compared against the requirements set within the Town and Country Planning Local Planning (England) Regulations and the SCI showing how the Legacy Corporation met these requirements.

Table 1: Summary of engagement and communication methods

Statutory requirement - Town and Country Planning Local Planning (England) Regulations 2012	Methods of engagement identified in the Legacy Corporation SCI 2017	Methods used
Notify the bodies of subject of the local plan: <ul style="list-style-type: none"> <li>• Specific consultation bodies (statutory consultees)</li> <li>• General Consultation bodies (bodies representing different groups within the area's community)</li> <li>• Residents and other key persons considered appropriate (i.e. those on the consultation database).</li> </ul>	<ul style="list-style-type: none"> <li>• Emails and letters to individuals on the consultation database (including specific and general consultation bodies)</li> <li>• Updated Website Section signposting to consultation platform</li> <li>• Dedicated email address</li> <li>• Web-based consultation platform</li> <li>• Use of social media</li> <li>• Attending meetings of community groups and organisations</li> <li>• Workshops, drop-in sessions, exhibitions, focus groups</li> </ul>	<ul style="list-style-type: none"> <li>• Emails and letters at all key stages in the review process to the consultation database including statutory consultees</li> <li>• Dedicated email address and telephone number</li> <li>• On-line consultation platform</li> <li>• Use of social media and event promotion platform</li> <li>• Attendance to community group meetings and organisations</li> <li>• Two online public consultation workshops</li> </ul>

- 2.4. The Legacy Corporation's planning policy team maintains an extensive consultation database that includes all members of a general body and statutory consultees, local residents and businesses, as well as those who have presented an interest in the area and wish to be kept informed through registration on the consultation database. The database contains more than 400 contacts, 70 per cent of which consists of residents' groups, community groups and community organisation. At the start of the consultation period, all consultees on the database were informed of the consultation and the methods by which they could partake. Consultees were informed by email or post as per preferences stated.
- 2.5. The Legacy Corporation social media feeds were also used to publicise the launch of the consultation period and advertise each consultation workshop; inviting people to join the consultation events, or alternatively, for those who were not able to attend the events, a direct link to the online consultation platform where all relevant information and documents could be found, and comments submitted, was provided. Use of social media gave an opportunity for the information about the consultation to be shared more easily and thereby potentially reach out to typically hard to reach groups.
- 2.6. Online consultation platform, Commonplace, was used as the main way of promoting, collecting and collating consultation comments. Commonplace is a user-friendly online platform allowing consultees to read about the project, know the timeline for the project, view the consultation documents and provide comments alongside viewing comments left by others. The use of Commonplace also facilitated the process to be conducted online, to reflect the shift to online consultations brought about by Covid-19.
- 2.7. The Legacy Corporation's SPD webpage was updated informing and signposting consultees to the consultation platform and relevant documents, providing detailed information about the purpose of the consultation, the consultation period, and how to make a representation. All consultation documents were made available for reading and/or download in an easily accessible format.
- 2.8. It is noted that the Covid-19 pandemic had changed ways of working and connecting with communities, including conducting consultations. Whilst previously digital engagement supplemented face-to-face methods of consultation, as we emerge from the pandemic, digital engagement in its enhanced role remains to be a popular and accessible method of engagement. There is evidence that suggests higher participation via digitally led engagement from a broader range of individuals than was previously achieved through more traditional methods of communication. As a result, online methods of consulting were prioritised in order to be more accessible to a wider range of audiences, particularly as hybrid methods of working have taken hold. To respond to this change, two online workshops were organised, providing a daytime and evening slot to invite stakeholders to provide their views on the draft revised SPD. These were conducted via MS Teams, where attendees received a brief presentation outlining key changes proposed and an opportunity to ask the Legacy Corporation's planning policy officers questions.

- 2.9. Planning policy officers attended two community meetings, the Park Panel and Cultural Interest Group, to inform them of the review of the SPD and engage them in the process. A briefing including a presentation and the opportunity to ask questions was provided for Park Panel, which comprises 15 representatives from local community groups and local businesses within the Legacy Corporation area and meets regularly throughout the year. This meeting was held in person in order to maintain rapport and provide the opportunity to answer any questions. A briefing including a presentation and the opportunity to ask questions was also provided for a local Cultural Interest Group serving Hackney Wick and Fish Island. This was held online to inform local residents and stakeholders of the consultation.
- 2.10. In accordance with the Duty to Cooperate, London Boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest, TfL and Lee Valley Regional Park Authority were informed of the consultation and given the opportunity to engage at the regular monthly Planning Policy Forum meetings.
- 2.11. An email address was provided for all correspondence relating to the consultation and was shared online and at each consultation event, people were actively encouraged to contact the Legacy Corporation using these details should they wished to raise any questions or provide comments with regards to the consultation, SPD document or for any further information. Emails were regularly checked throughout the consultation period; all correspondence was acknowledged, and queries have been answered in a timely fashion.

### 3. Consultation Responses

3.1. A total of 13 representations to the draft revised Planning Obligations SPD were received. All representations received were taken into consideration and acknowledgment emails were sent to all those who have submitted a formal representation. The full consultation table with responses is provided in Appendix 1 which provides a summary of the representations received and a response to each of these, including where appropriate, any changes that have been made to the SPD as a result.

## Appendix 1- Consultation Responses



Planning Obligations SPD Consultation Responses

Ref no.	Consultee	SPD Section	Comment Summarised	Response to comment	Changes proposed to the SPD
PO01	Metropolitan Police	General	<p>MPS is working hard to achieve cost savings and find new and alternative sources of capital and revenue funding to support policing in London. Section 106 charges to support policing at Borough level are necessary and appropriate. As such, we ask that this be acknowledge within the Local Plan and / or Infrastructure Delivery Plan.</p> <p>MPS is in the process of meeting Local Authorities to discuss the roll-out of section 106 charging and is keen to meet with LLDC to discuss this.</p>	<p>It is acknowledged that the MPS are not yet seeking financial contributions for non-property related infrastructure as the methodology is still being prepared and that this is something that the MPS is looking to introduce in the future. This will be a matter for future Local Plan reviews undertaken by the Growth Boroughs as LLDC will not be reviewing its own Local Plan before its planning powers are handed back to them at the end of 2024. Nonetheless, the LLDC will continue to work closely with the Metropolitan Police Service to identify relevant needs and other necessary infrastructure required to maintain a safe and secure environment, in line with London Plan policy S.14. and the LLDC Local Plan Policy S.12. An additional paragraph is proposed to recognise that relevant infrastructure may need to be secured by S106 Agreement. Additionally, the LLDC annually updates its Infrastructure List detailing the specific types and items of infrastructure which are required to support growth in the Legacy Corporation’s planning area. Items on</p>	<p><u>New paragraph added after paragraph 11.57 (as new paragraphs 11.59-11.62):</u></p> <p><u>Policy S.12 highlights the need to consider security, safety and the need for people to feel safe, when designing development and private and public realm. It is particularly important to consider this from the perspective of women and girls and gender minorities. Where particular measures cannot be directly delivered as part of the proposed development but are related to it, a planning obligation may be used to secure those measures or financial contributions towards delivery of specific relevant measures or projects.</u></p> <p><u>Resilience, safety and security. Policy S.12 Resilience, safety and security, also sets out the need to consider how new development will be designed to be resilient to threats that include fire, flood and terrorism as well as security in more general terms. The role of agencies such as</u></p>

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				<p>this list are eligible for Legacy Corporation CIL funding. As part of the Infrastructure list review process, the LLDC each year engages with the key stakeholders including the MPS.</p>	<p><u>the Metropolitan Policy and London Fire and Emergency Planning Authority are identified as important in defining the best approaches to this and measures or specific infrastructure that might be necessary to mitigate those risks. Where relevant and it is not possible to secure relevant on-site measures in other ways, S106 planning obligations may be used to do so. Where those measures or infrastructure are off-site, in-kind delivery or financial contributions towards delivery may be sought in proportion to the identified needs or impact of the development proposal in question.</u></p> <p><u>It should be noted that the Metropolitan Police Service has developed a model for defining a proportionate level of contribution towards the policing resource generated by new development and will be likely seek contributions using this model for development proposals that are referable to the Mayor of London.</u></p> <p><u>Applicants proposing referable schemes are encouraged to engage</u></p>

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					<u>with the Metropolitan Police Service at the pre-application stage to help understand the amount likely to be sought through this modelling and any specific policing infrastructure that might be sought within the scheme itself.</u>
PO02	Natural England	General	Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	Comment noted.	No change proposed
PO03	Coal Authority	General	London and it's Boroughs lie outside the defined coalfield and therefore the Coal Authority has no specific comments to make on your Local Plans / SPDs etc.	Comment noted.	No change proposed
PO04	National Highways Limited	General	National Highways have undertaken a review of the draft Getting to Net-Zero and Planning Obligations Supplementary Planning Documents and raise no objections.	Comment noted. No change proposed	No change proposed
PO05	Watkin Jones	Paragraph 11.22	WJ therefore objects to the approach suggested by the LLDC for requiring a nominations agreement to be concluded at an early stage, either before an application being determined or prior to the commencement of development.	Comment noted. The evidence base prepared by the GLA that supports the London Plan, states that the only way to meet the genuine need for student accommodation is the ability to demonstrate a direct link between PBSA accommodation with one or	Text amended at paragraph 11.22 has been amended to clarify this.  The policy compliant level of student housing for new purpose-built student accommodation, including all affordable units, either be

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			<p>The LLDC's suggested approach does not align with the approach advocated by the London Plan or the LLDC's Local Plan, nor does it align with the period when a university will enter into a nominations agreement as evidenced above. The LLDC should align with the approach advocated by the London Plan, requiring the support of a university (or universities) at application stage and a nomination agreement for the majority of the rooms to be entered into in advance of a PBSA development being occupied. The approach suggests within the draft SPD would be excessively prohibitive and would lead to reduced delivery of PBSA, which would be contrary to the LLDC Local Plan and London Plan's requirement to meet the strategic needs for PBSA. Finally, SPDs should not seek to change development plan policies, the London Plan provides clarity as to when a nominations agreement should be secured.</p>	<p>more HEPs. Therefore, the key element in any assessment of need or demand for PBSA in both the London Plan and LLDC Local Plan policies is the ability to demonstrate a direct link between PBSA accommodation with one or more HEPs in the form of a nominations agreement. This should directly demonstrate that the bedrooms in the PBSA development are needed by London's HEPs in that particular location and that its design, layout, and rental levels meet the needs of London's higher education students. This approach also indicates that HEP(s) should be involved in the design process of any PBSA proposal.</p> <p>It is correct that the formal nomination agreement/s, with the HEP in question, will only be sought to be in place as of the initial occupation of the development. The wording of paragraph 11.22 has been amended to clarify this. In order to satisfy this policy requirement, LLDC will require strong evidence of genuine prospects of links between at least one named HEP and not simply a general expression of interest in the accommodation. This also includes</p>	<p>secured by nomination agreement for occupation by students of one or more identified Higher Education Institution (HEI), or otherwise that all the bedrooms in the development are provided as affordable student accommodation maintained in perpetuity. <u>To satisfy this policy requirement there should be evidence of a genuine prospect of links between at least one named HEP, rather than a general expression of interest by an HEP in the accommodation. This should ideally include the HEP(s) involvement at an early stage of the design process for the proposed PBSA development. Robust evidence of the proposed nominations approach with the HEPs will be necessary to enable this to be reflected in the Section 106 obligation, with this evidence being provided either with the planning application when submitted or before it is determined.</u></p> <p><u>A S106 agreement will be used to secure that a formal nomination agreement/s, with the HEI(s) in question, should be in place before</u></p>

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				HEPs engagement in the design process at the early planning application stage. The robust evidence of the agreed nominations approach with those HEPs would be necessary along with an appropriate level of agreement that would allow the structuring of a Section 106 obligation that meets the policy requirements. It should be noted that the LLDC expects that this evidence is provided at the planning application stage.	<del>the first occupation of the development, made prior to the planning application being determined and evidence of this provided. In exceptional circumstances, the planning obligation may allow final confirmation of a nominations agreement prior to commencement of the development. However, a clear commitment from one or more HEI to enter into a nominations agreement will need to be demonstrated prior to the planning application being determined.</del>
PO06	Port of London Authority	Section 11	The PLA consider that there must be a reference within objective 4 (Securing Transport Infrastructure to Support Growth) to support the increased use of the areas waterways for recreation, passengers and freight in line with Policy BN.2: (Creating distinctive waterway environments) of the adopted Local Plan (2021) and policies SI15 (Water Transport) and SI16 (Waterways – use and enjoyment) of the London Plan (2021).	Comment noted. Changes made to the SPD to make a reference to the objective 4 (Securing Transport Infrastructure to Support Growth) that aims to support the increased use of the areas waterways for recreation, passengers and freight in line with Policy BN.2: (Creating distinctive waterway environments) of the adopted Local Plan (2021) and policies SI15 (Water Transport) and SI16 (Waterways – use and enjoyment) of the London Plan (2021).	Changes made to text at 11.45 (now 11.46) to make a reference to Objective 4:  “In accordance with Policy T.2 of the Local Plan, where development proposals come forward that are near or adjacent to identified transport schemes, they will be required to demonstrate: • That adequate provision for the implementation of those schemes has been made in the design of the development, or that development proposals do not compromise

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					<p>implementation of transport schemes;</p> <ul style="list-style-type: none"> <li>• How they relate to the Healthy Streets indicators; and</li> <li>• <u>That they support the increase of cycling, walking and public transport usage to meet the Mayor’s target of 80 per cent of journeys being made up by these modes by 2041.</u></li> <li>• <u>That they support the increased use of the areas waterways for recreation, passengers and freight in line with Policy BN.2 of the adopted Local Plan and policies SI15 and SI16 of the London Plan.”</u></li> </ul>
PO07	Thames Water	General	There is an omission of Section on Water Supply and Waste Water Infrastructure - In light of the above comments and Government guidance we consider that the New Local Plans should include a specific policy (noted) on the key issue of the provision of water and sewerage/wastewater infrastructure to service development.	<p>Comment noted.</p> <p>The LLDC Local Plan was adopted in July 2020 and will not be reviewed before planning powers are returned to the four Growth Boroughs at the end of 2024. It is considered that the LLDC’s Local Plan policies, namely Policy S.5: Water supply and waste water disposal, sufficiently address requirements that developments are expected to meet in order to ensure water supply and waste water disposal are appropriately planned for. paragraph 8.14 provides sufficient guidance on how the Legacy</p>	No change proposed.

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				<p>Corporation will seek to ensure that there is adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve all new developments. This includes that proposed development will be required to demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances, this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to the overloading of existing infrastructure. Where there is a capacity constraint and no improvements are programmed by the water company, the developer will be required to provide for the appropriate improvements which must be completed prior to occupation of the development.</p>	
<b>PO08</b>	TfL	General	TfL have no comments.	Comment noted.	No change proposed
<b>PO09</b>	Sport England	Relevant Sections including: Paragraph 11.26	Note on National Planning Policy Framework's guidance on seeking replacement sport and recreation facilities to be of, at least, equivalent quantity, quality and in a suitable location.	Comment noted.	Text at paragraph 11.26 (now 11.27) amended: <u>Paragraph 99 of the NPPF requires that replacement sport and recreation facilities be of at least an equivalent quality and quantity and in a suitable location.</u>

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		Paragraph 11.27	Agreement with Paragraph 11.27	Comment noted. No change proposed	
		Paragraph 11.28	Agreement with Paragraph 11.28	Comment noted. No change proposed	
		Paragraph 11.30	Agreement with Paragraph 11.28 with additional guidance suggested	Comment noted. No change proposed	
		Paragraph 11.30	Sport England seek the submission of a Community Use Strategy	Comment noted. No change proposed	
<b>PO10</b>	Canal and River Trust	Figure 4	Figure 4 Graphic is not accessible/easy to read	Comment noted.	A higher resolution image of Figure 4 has been added to the final version of the SPD.
		Paragraph 11.49	Reword to clarify that sustainable transport improvements may also be required in circumstances where these are not located next to identified new transport infrastructure projects or if more broadly they are needed to ensure that healthy streets are delivered	Comment noted and minor amendments proposed to provide clarification that improvements to transport or contributions towards these may also be sought where these are not located next to the identified new transport infrastructure projects, where such improvements have been	Text at paragraph 11.48 amended:  Where sites are adjacent to locations identified for new or improved transport infrastructure, Section 106 obligations may also be used to require proportionate financial contributions towards their delivery.



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			and sustainable modes of transport are supported and may be sought to help deliver local connectivity.	identified as being necessary as mitigation for a development proposal impacts and are reasonably related to that development and its impacts.	<u>S106 obligations will also be used to secure any on-site or off-site transport improvements that are identified as necessary to mitigate the impacts of a development in locations other than those which have been specifically identified.</u>
<b>PO11</b>	NHS Property Services Ltd		No comment to make to the consultation	Noted	No change proposed
<b>PO12</b>	TFL		TfL commercial have no comments.	Noted	No change proposed
<b>PO12</b>	Private Individual		Comment on LLDC Remit - unrelated to SPD consultation	Comment noted. No change proposed	No change proposed