

# Planning Obligations

Supplementary Planning Document  
(Adopted - October 2022)





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## 1. Introduction

- 1.1. The Planning Obligations Supplementary Planning Document (SPD) was originally adopted in July 2016 following the adoption of the London Legacy Development Corporation (LLDC) Local Plan (2015), providing guidance on the relationship between planning obligations (Section 106 Agreements) and the Community Infrastructure Levy (CIL). It also provides guidance on key matters where planning obligations might be sought.
- 1.2. The LLDC Local Plan has subsequently been reviewed and was adopted in its updated form in July 2020 <https://www.queenelizabetholympicpark.co.uk/planning-authority/planning-policy/local-plan-2020-2036>. There have also been some key changes in the legislation that defines the relationship between Planning Obligations and CIL. This SPD has therefore been reviewed and updated to reflect these changes.
- 1.3. This supplementary planning document (SPD) was adopted by the London Legacy Development Corporation on 7 October 2022. The formal public consultation was undertaken between 6 June and 27 July 2022 with all parties whose details were held on the planning policy consultation list being notified by letter and/or email. The adoption statement and the Consultation Report can be found on the Legacy Corporation's website <https://www.queenelizabetholympicpark.co.uk/planning-authority/planning-policy/supplementary-planning-documents>
- 1.4. This SPD does not create new policy but rather provides guidance on the relevant policies within the Legacy Corporation's Local Plan which was adopted in July 2020 <https://www.queenelizabetholympicpark.co.uk/planning-authority/planning-policy/local-plan-2020-2036>

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## 2. Context

### London Legacy Development Corporation

- 2.1. The London Legacy Development Corporation (LLDC) was established by the Mayor of London as the first of two Mayoral Development Corporations in London in April 2012. In October 2012 the LLDC became the Local Planning Authority for its area with responsibility for making planning decisions and preparing a Local Plan and any related planning guidance. It was also given the responsibility for collecting the Community Infrastructure Levy within its area and the ability to prepare its own CIL Charging Schedule.
- 2.2. The geographic area covered by the LLDC is shown on the map at Figure 1. When taking its planning powers in October 2012, it did so in place of the Olympic Delivery Authority (ODA), The London Thames Gateway Development Corporation (LTGDC) and the Four Boroughs (Hackney, Newham, Tower Hamlets and Waltham Forest). In doing so it assumed responsibility for planning permissions granted by those predecessor authorities, including the Section 106 Agreements (S106 Agreements) for relevant developments.
- 2.3. In July 2015, the LLDC adopted the first version of its Local Plan, followed by the adoption of several Supplementary Planning Documents. The LLDC Local Plan has subsequently been reviewed and revised, and was adopted in its revised form in July 2020 [[LINK](#)]. The LLDC's first CIL Charging Schedule came into effect in April 2015 and has also been reviewed and updated. The second CIL Charging Schedule came into effect in July 2020.
- 2.4. This and other supplementary planning documents have been prepared to provide further guidance to the policies and approach set out in the Local Plan and provide clarity on how these, along with the London Plan and current national planning legislation and guidance should be applied within the LLDC planning authority area. While not part of the statutory development plan, the guidance provided is a material consideration in determining planning applications.
- 2.5. The LLDC has a limited lifespan as a Local Planning Authority, and it has been agreed with the Four Boroughs that its planning powers and associated responsibilities will be handed back to the Four Boroughs by the end of 2024. Unless otherwise specifically withdrawn through legislation or specific decision of one or more of the Four Boroughs, the Local Plan (2020), its supplementary planning guidance and CIL Charging Schedules will remain in place within the LLDC area until reviewed and replaced at a subsequent date.

Figure 1: Map of the LLDC planning authority boundary





### 3. Statutory Planning and Community Infrastructure Levy Framework

- 3.1. The LLDC was established as the Local Planning Authority for its area by the London Legacy Development Corporation (Planning Functions) Order 2012, SI 2012 No.2167. The powers conferred by the order include those for determining all planning applications in its area, the responsibility to prepare a Local Plan, the role of a CIL collecting authority and the ability to prepare a local CIL charging schedule for its area. Its provisions in relation to determination of planning applications also provided the authority for it to enter into S106 Agreements.
- 3.2. The Community Infrastructure Levy Regulations 2010 (as amended) provide the immediate legal framework for S106 Agreements and CIL charging and collecting.
- 3.3. S106 of the Town and Country Planning Act 1990 along with Regulation 122 of the Community Infrastructure Regulations provide the legal basis for local planning authorities to enter into S106 Agreements with a developer. Regulation 122 requires the following:
  - “A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
    - (a) necessary to make the development acceptable in planning terms;
    - (b) directly related to the development; and
    - (c) fairly and reasonably related in scale and kind to the development”
- 3.4. Regulation 122(2A) also provides for the local planning authority to agree planning obligations to pay a sum of money in respect of the cost of monitoring that S106 Agreement, including any related reporting.
- 3.5. The Community Infrastructure Levy was introduced by Part 11 of the Planning Act 2008 and is governed in detail by the Community Infrastructure Levy Regulations 2010 (as amended). National Planning Practice Guidance also further information and guidance Community Infrastructure Levy - GOV.UK ([www.gov.uk](http://www.gov.uk)).

## 4. Background to LLDC and Mayoral CIL

- 4.1. The Community Infrastructure Levy (CIL) is a charge that enables local authorities and Mayoral Development Corporations, such as the Legacy Corporation, to fund the infrastructure required to support development in their areas.
- 4.2. The Legacy Corporation collects two different types of CIL: Legacy Corporation CIL (LCIL), which is used to fund infrastructure in the Legacy Corporation area to support growth, and Mayoral CIL (MCIL) which the Legacy Corporation transfers to Transport for London (TfL) on behalf of the Mayor of London, and which contributes to the development of the Elizabeth Line (Crossrail).
- 4.3. The Legacy Corporation put in place its first charging schedule on 6th April 2015 (LCIL1). In 2018, the Legacy Corporation began the process of reviewing its charging schedule and its second charging schedule came into effect on 1st July 2020 (LCIL2). LCIL1 continues to apply to all development which gained permission between 6th April 2015 and 30th June 2020, and LCIL2 applies to all development which gained permission from 1st July 2020 onwards.
- 4.4. CIL charging authorities are able to retain up to 5% of CIL income towards to cost of administering CIL in their area, including the costs of preparing and adopting its charging schedule. The Legacy Corporation retains 5% of CIL income from LCIL1 and LCIL2 in order to manage CIL and its collection. The CIL Regulations (2010) (as amended) also require the Legacy Corporation to spend 15% of LCIL income in consultation with the local community within its planning area. The Legacy Corporation has therefore set up the Neighbourhood Priorities Fund (NPF) to manage the expenditure of this income, in collaboration with the local community. Further information about this fund is provided in Paragraphs 5.9 – 5.11 of this SPD.
- 4.5. London's Mayoral CIL first came into effect on 1st April 2012 (MCIL1). This has since been reviewed, and a new charging schedule implemented on 1st April 2019 (MCIL2). MCIL1 applies to all development granted permission between 1st April 2012 and 31st March 2019, while MCIL2 applies to development that has been granted permission since 1st April 2019. The Legacy Corporation retains 4% of CIL income from MCIL1 and MCIL2 towards the administrative costs of collecting Mayoral CIL.
- 4.6. More information and the full LLDC CIL charging schedules can be found here [\[LINK\]](#). More information on Mayor of London CIL and MCIL charging schedules can be found here [\[LINK\]](#). The combined charges for LCIL2 and MCIL2 are provided in Table 1 below.

Table 1: The combined charges for LCIL2 and MCIL2

	Exclusive of Mayoral CIL 2	Inclusive of Mayoral CIL 2
Development Type	Legacy Corporation CIL Charge (£/m2)	Mayor of London and Legacy Corporation CIL Charge Rates for London Legacy Development Corporation (£/m2) (added £60)
Residential (C3 and C4), residential institutions except hospitals (C2), shared-living/co-living (Sui Generis) but excluding student accommodation	£73.90	£133.90
Student accommodation (Sui Generis)	£123.17	£183.17
Convenience supermarkets and superstores and retail warehouses (over 1000 sqm)	£123.17	£183.17
Hotels (C1)	£123.17	£183.17
Comparison and all other retail (A1-A5) in 'Stratford Retail Area'	£123.17	£183.17
Office (B1a) within the 'Stratford Retail Area'	£123.17	£183.17
All other uses except education, healthcare and affordable workspace	£20	£80
Education, healthcare and affordable workspace	Nil	£0 for health and education. £60 for affordable workspace.

- 4.7. The Use Classes Order was amended on 1st September 2020 to the effect that certain use classes referred to in the above schedule have been revised and replaced. Any CIL Charging Schedule that came into effect before that date are required to continue to apply the uses as they were previously defined when administering and charging CIL.
- 4.8. Where a development will result in more than 100 sqm new floorspace and/or a new dwelling, a CIL liability may be incurred. The standard process which will need to be followed in this regard is provided in Appendix 1 of this SPD.



## 5. CIL and Section 106 Governance

### **Project Proposals Group**

- 5.1. The allocation of the Legacy Corporation's Section 106 and CIL contributions is the responsibility of the Project Proposals Group (PPG) with this function having been delegated to it by the Legacy Corporation Board. The PPG is also responsible for the allocation of funds from the CIL Neighbourhood Priorities Fund and the S106 Carbon Offset Fund.
- 5.2. PPG LLDC representatives consist of Directors or Executive Directors from Development; Regeneration and Community Partnerships; Park Operations and Venues; Finance and Corporate Services; and Planning Policy and Decisions directorates. Each directorate has one vote for decision-making purposes. Non-voting members consist of representatives of the four London Boroughs, namely Hackney, Newham, Tower Hamlets and Waltham Forest. Such representatives are the respective boroughs' Directors of Planning or individuals holding an equivalent senior position.
- 5.3. Where applications for CIL or Section 106 funding are received, they will first be scored by officers according to the relevant criteria. A recommendation to PPG will then be put forward, detailing which projects should be funded and any individual funding conditions that are considered reasonably necessary. The voting members will then determine whether an allocation should be made. This process is summarised in Appendix 2 of this SPD.

### **Section 106 allocations**

- 5.4. Where funds received under Section 106 agreements are not specifically allocated through the terms of the relevant agreement, the PPG, subject to complying with the provisions of the relevant section 106 agreement, aims to allocate those funds in accordance with the Infrastructure Delivery Plan Project List (see Section 6 of this SPD).
- 5.5. The following criteria will be used for assessing Section 106 allocations:
  - Necessary to support planned growth
  - Delivery prospects
  - Match funding
  - In accordance with Section 106 agreement
  - Timing – next 3 years.
  - Infrastructure Delivery Plan Project List

- Location – proximity of project to scheme that provided contribution.
- 5.6. Off-site affordable housing Section 106 monies will also be allocated by the PPG. The application process will be the same as that for other S106 funding requests and considered in the same way by the PPG.

### **CIL allocations**

- 5.7. The PPG allocates CIL receipts in accordance with Regulation 59 of the CIL Regulations 2010 (as amended). It aims to allocate CIL receipts in accordance with the Infrastructure Delivery Plan Project List that is current at the time, but may allocate funds to meet other infrastructure priorities which fall within the scope of Regulation 59.
- 5.8. The following criteria will be used for assessing CIL allocations:
- Provision, improvement, replacement, operation or maintenance of infrastructure to support the development of LLDC area (Regulation 59) (essential criteria)
  - Delivery prospects
  - Match funding
  - Timing – next 3 years
  - Infrastructure Delivery Plan Project List.

### **Neighbourhood Priorities Fund**

- 5.9. The Legacy Corporation established the Neighbourhood Priorities Fund (NPF) to ensure that 15% of CIL receipts are spent in consultation with the local community, in accordance with the CIL Regulations. The Legacy Corporation holds regular bidding rounds, either annually or once a minimum of £150,000 is held as unallocated money in this fund. During these bidding rounds, the local community can come forward with projects which they have identified to help mitigate the impact of development in the area. The CIL Regulations enable this money to be applied to a wider range of project types than the main part of the money received.
- 5.10. Applicants seeking funding in relation to this portion of CIL will be required to submit details of their project for PPG's consideration. Before PPG is asked to make a decision on the applications submitted, officers will first seek comments from the Park Panel on each application to ensure that there is community input into the decision.
- 5.11. The following criteria will be used for assessing NPF allocations:
- Project proposal in accordance with Local Priorities

- The project is concerned with addressing the demands that development places on an area or the project includes the provision, improvement, replacement, operation or maintenance of infrastructure
- Delivery partner(s) suitable to the scale and cost of the project
- Delivery possible within the next 2 years
- Additional funding source identified if necessary
- Value for money, i.e. costs vs. benefits.

Figure 2: The Neighbourhood Priorities Fund bidding process

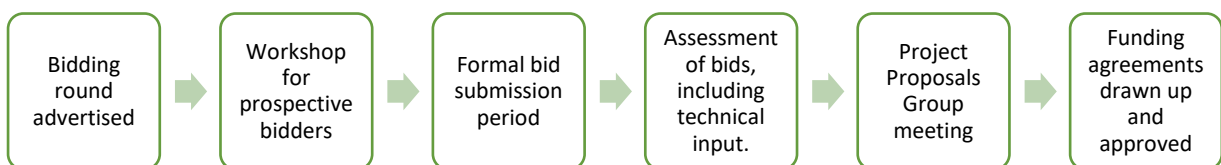


### Carbon Offset Fund

5.12. The Carbon Offset Fund holds receipts from development schemes where Section 106 agreements require them to pay an offsetting charge to reach the carbon reduction targets set out in the London Plan. The fund was established by the Legacy Corporation in 2016, and is supported by the Getting to Net Zero Supplementary Planning Document (revised version adopted in September 2022), which sets out the application process and criteria for projects applying to use the funds held.

5.13. As with other Section 106 monies, allocation decisions are taken by PPG. However, given the technical nature of the application process, expert advice is sought as part of the project assessment process, and is undertaken before being reported to PPG for decision.

Figure 3: The Carbon Offset Fund bidding process





### **Infrastructure Funding Statement: Monitoring and Reporting**

5.14. In accordance with the CIL regulations, there is a requirement for the Legacy Corporation to produce an annual Infrastructure Funding Statement by the 31st December every year. By requirement, this statement will include:

- A report on Section 106 agreements entered, receipts, allocations and expenditure;
- A report on CIL receipts, allocations and expenditure, and
- A list of infrastructure items that the LLDC considers may or will be funded, partly or wholly, by CIL.

5.15. Consequently, there will be transparency regarding the receipt, allocation and expenditure of Section 106 and CIL contributions.

## **6. Role of the Infrastructure List**

6.1. The Legacy Corporation's Local Plan is supported by an Infrastructure Delivery Plan (IDP) which sets out the requirements for future infrastructure, and the necessary funding required, to support anticipated growth over the plan period. The IDP provides the basis for the Legacy Corporation's Infrastructure Delivery Plan Project List (also known as the Infrastructure List) which identifies the required infrastructure items, as well as their delivery arrangements, including phasing, funding, and responsible agencies.

6.2. The Infrastructure List was originally agreed by the LLDC Board on 29th January 2015. It is updated annually by consulting and liaising with infrastructure providers, who can add projects to the list before PPG is consulted, following which the LLDC Board is asked to formally agree the updated list.

6.3. Items on the Infrastructure List are eligible to be funded partly or wholly by CIL receipts. There was formerly a restriction on securing Section 106 contributions towards items included on the Infrastructure List. However, following an amendment to the CIL Regulations in September 2019, the restriction was removed. It is now possible to use both CIL money and S106 contributions for delivery of an infrastructure project provided that the wider requirements of the regulations are met in doing so.

## 7. Mayor of London's Crossrail Funding Supplementary Planning Guidance (SPG)

- 7.1. Crossrail is a nationally significant infrastructure project that will provide fast rail access across London and the south-east region, extending as far as Reading in the west and Shenfield in the east. The project draws on a range of funding sources, including developer contributions. Initially, the developer contribution funding arrangements comprised MCIL1 contributions and a Section 106 contributions scheme outlined in the Crossrail Funding Supplementary Planning Guidance (SPG). However, MCIL2 superseded MCIL1 and the Crossrail Funding SPG, thereby streamlining the mechanism by which developer contributions fund Crossrail.

## 8. S106 Drafting: Indexation, Monitoring, Late Payment and Time Limits

### S106 Indexation

- 8.1. All payments secured by Section 106 agreements will be indexed from the date of the agreement. For standard cases, indexation will be calculated using the BCIS All-in Tender Price Index, as published periodically by the Royal Institute of Chartered Surveyors. Namely, payments and financial contributions pursuant to Section 106 agreements will be increased by reference to the amount of the quarterly increase in the index from the date on which the contribution was agreed until the date that it is paid. This calculation is set out in the formula below, where:

- A = the amount due
- B = the value of the contribution specified in the agreement (the original sum)
- Ia = the BCIS All-in Tender Price Index for the quarter in which the contribution was agreed, and
- Ir = the BCIS All-in Tender Price for the quarter in which the contribution is due to be received.

$$A = B \times Ir/Ia$$

- 8.2. For the avoidance of doubt, only provisional or confirmed index values will be used in calculations. Forecast index values will not be used. Should the index value decrease between the quarter in which the contribution is agreed and the quarter in which it is due to be received, the amount due will not decrease below the original sum outlined in the agreement.

- 8.3. If the BCIS All-in Tender Price Index ceases to exist or if the Legacy Corporation, in its discretion, considers that a different index is more appropriate for a specific planning obligation, then an alternative index may be used.
- 8.4. Obligations in existing agreements will continue to be indexed as set out in those agreements.

### **S106 Monitoring contributions**

- 8.5. The Legacy Corporation has set up a system to monitor financial and in-kind contributions agreed through section 106 agreements. To assist with this process, the Legacy Corporation will use clauses requiring relevant parties to report on the implementation of in-kind contributions. Where relevant, the Legacy Corporation may also agree a proportionate monitoring contribution to facilitate compliance monitoring within the terms of the deed. Monitoring contributions will be required when obligations:
- Will involve on-going monitoring by the LLDC or a detailed scheme will need to be reviewed and approved
  - Are likely to involve the LLDC incurring more than minor administration and monitoring costs,
  - Where monitoring/review is required by specialist consultants on behalf of the Local Planning Authority, or
  - Relate to larger schemes.
- 8.6. As an approximate guide, the LLDC consider that where the above criteria are met, £500 per head of term would be a reasonable contribution for each obligation to be monitored, unless the obligation or the agreement, as a whole, is likely to be complex and/or time-consuming to monitor. In those instances, the amount will be negotiated on a case by case basis with reference to the Local Planning Authority's likely resource requirements.

### **S106 financial obligations and approach to interest for late payments**

- 8.7. All Section 106 agreements will include requirements for interest to be paid on financial contributions which are made late (that is after the date specified in the relevant planning obligation). In these circumstances, interest will accrue from the date that the payment is due until the date that payment is made. The normal requirement will be an annual interest rate of 3% above the base lending rate of a bank to be nominated by the Legacy Corporation.



### **Time limits on sums for financial obligations**

- 8.8. All Section 106 agreements will include provisions for the repayment of financial contributions where these are not spent or committed to be spent by the Legacy Corporation or a relevant successor organisation within a reasonable time frame. In standard cases, a reasonable timeframe will be a ten-year period, starting from the date on which payment is received. Contributions will be considered to have been committed to be spent when a relevant grant funding agreement, or equivalent, has been signed that commits to the spending of that sum.
- 8.9. However, all Section 106 agreements will also include an allowance for extensions of the timeframe for expenditure. Such extensions will require written agreement from the developer.

## **9. CIL policies**

### **Payment in kind**

- 9.1. The CIL Regulations (2010) (as amended) allow scope for CIL to be paid in kind (i.e. in the form of land). Where payment is made in kind, land valuation will be undertaken by an independent person, of appropriate qualifications and experience. In accordance with the regulations, the Legacy Corporation may choose whether to accept payment in the form of land at its discretion. Any such decision will depend on whether it is considered expedient, and in the interests of timely and effective delivery of items included in the Infrastructure List.
- 9.2. Planning policy has allocated land for local services and new schools. This land should be considered as having no development value for other uses. The local planning authority will expect that the transfer of such land to infrastructure providers is secured through section 106 agreement but that no financial value will be attached to such transfer. Transfers of such sites will not be expected as payments in kind under the CIL regulations, unless the market value is accepted as zero. This approach continues that followed by LTGDC in their Planning Obligations Community Benefits Strategy.
- 9.3. If an unallocated community facility is proposed as part of a scheme and the facilities meet an identified need which is wider than that of the proposed development, the Legacy Corporation may in appropriate circumstances give consideration to how this would be secured through the in-kind provisions in the CIL regulations. The Legacy Corporation will also be open to proposals for developers to provide and build specific infrastructure meeting more than site-specific needs as integrated parts of schemes,

and will consider on a case by case basis how this could be secured within the Section 106 and CIL regimes. If such facilities are identified in the Infrastructure List, the Legacy Corporation will consider making Infrastructure Payments available.

9.4. For the avoidance of doubt, works that are normally considered as development costs and therefore will not typically constitute in-kind CIL contributions are:

- Open space/landscaping that forms part of the development, for use predominantly by residents
- Highway works immediately related to the site access
- Abnormals, e.g. river wall works (to be assessed by Environment Agency if works are considered to provide a wider benefit)
- Facilities for exclusive use of residents of the related development
- Affordable housing
- Climate change mitigation costs

#### **Relief**

9.5. The CIL Regulations (2010) (as amended) provide scope for three types of discretionary relief:

- discretionary charitable relief;
- discretionary social housing relief; and
- discretionary relief for exceptional circumstances.

9.6. The regulations are clear that if a charging authority wishes to make available any form of discretionary relief, it must issue a document giving notice of its availability. The LLDC has not made any discretionary relief available within its area.

9.7. The Legacy Corporation will grant mandatory social housing relief and mandatory charitable relief in accordance with the CIL regulations. In the case of mandatory social housing relief, the regulations require evidence that chargeable development qualifies for social housing relief, with reference to the conditions mentioned in regulation 49, the criteria mentioned in regulation 49A(2) or Regulation 49C. Such evidence will generally be expected to take the form of a signed Section 106 agreement.

## 10. Securing infrastructure delivery

- 10.1. One of the Legacy Corporation’s core objectives, as set out in the Local Plan, is to “secure the infrastructure to support growth and convergence.” The Local Plan provides a number of specific policies in support of this objective, including strategic policies relating to community infrastructure (SP.2) and transport (SP.4), as well as more detailed policies relating to particular kinds of infrastructure. Moreover, specific site allocations identify site-specific infrastructure requirements, as outlined in Appendix 3 of this SPD.
- 10.2. The LLDC will primarily secure infrastructure delivery using CIL and Section 106 obligations. The specific items of infrastructure that are required to support development will be identified in several ways:
- Through assessment of a specific development proposal resulting in the need for mitigation measures that would make the proposal acceptable
  - Through the Local Plan. Appendix 3 of this SPD replicates *Table 14* of the Local Plan, which identifies how the infrastructure assessment undertaken in the Infrastructure Delivery Plan has been incorporated into the relevant policies and site allocations
  - Through the Infrastructure List, details of which are provided in Section 6 of this SPD. Following amendments to the CIL Regulations in September 2019, there is no longer a restriction on securing Section 106 contributions towards the delivery of items included on the Infrastructure List. Depending on the circumstances of the scheme being considered, it may be appropriate to secure delivery of, or contributions towards delivery of, infrastructure items that are included on the Infrastructure List through a s106 planning obligation where these meet the three tests outlined in regulation 122 of the CIL Regulations.
- 10.3. Financial contributions will be managed in accordance with the governance arrangements set out in Section 5 of this SPD. Where non-financial contributions are secured, clauses will be agreed that require the relevant party to report on their implementation. This will enable the Legacy Corporation to monitor compliance, thereby ensuring that infrastructure required to support development is brought forward as planned.
- 10.4. Where on-site infrastructure is required to make development acceptable, it will be secured by way of a Section 106 agreement. In certain circumstances, the terms of the agreement may need to introduce phasing restrictions to ensure certainty for timely delivery of the key elements of on-site infrastructure. This will be particularly important in larger schemes, comprising multiple phases.



- 10.5. CIL will be a significant form of funding for off-site infrastructure. However, CIL receipts alone will not be sufficient to deliver all the infrastructure required to support growth in the LLDC's planning area. Where the Infrastructure List identifies significant funding gaps that CIL is unlikely to bridge, supplemental funding may be sought through Section 106 obligations, provided that the statutory tests are met.
- 10.6. Existing Section 106 agreements secure the provision of on-site infrastructure and in certain cases, the relevant planning permissions were granted prior to the adoption of the LLDC's CIL charging schedule. If development does not come forward under those permissions and new applications are submitted, it is likely that on-site infrastructure will still be secured through Section 106 (subject to the Regulation 122 tests) as it will not be identified as infrastructure that would be funded through CIL on the infrastructure list.

## 11. Guidance on Planning Obligations

- 11.1. This section of the SPD provides guidance on the key matters that policies in the Local Plan or the London Plan identify as potentially requiring to be secured by planning obligation. This is not an exhaustive list of matters that might be relevant to secure in this way as the circumstances of each scheme will need to be assessed to determine what might be necessary.

### **Objective 1 - Developing business Growth, jobs, higher education and training**

#### **Training and Employment**

- 11.2. Policy B.5 "Increasing local access to jobs, skills and employment training" of the Local Plan encourages employers to participate in skills and employment training initiatives, during the construction and operational phases of development. Funding towards job brokerage, apprentices and work placement schemes, and measures towards encouraging local employment during the construction and operational phases of the development will be sought during the planning process and secured through section 106. Targets would also be likely to sought to address the level of local employment to be achieved alongside diversity and inclusion targets and measures.

#### **Business Relocation**

- 11.3. Local Plan Policy B.1 7(c) requires the provision and implementation of a Relocation Strategy where a convincing case for an existing business or businesses operating at the site could not be retained as part of the development scheme and the loss of that business from that site is deemed to be acceptable through meeting the other

requirements of the policy. Where this is the case, in order to mitigate the risk of negative effects on businesses and local employment, a Relocation Strategy will be required and the specific actions within the strategy will be secured within the planning obligation. The Strategy will need to set out how existing businesses can be suitably accommodated, setting the approach to facilitating the retention of existing businesses within the site area either in their existing building or in new premises or identifying other suitable alternative locations within the wider area.

- 11.4. Appendix 4 provides guidance on what should be included within a robust Relocation Strategy. The relocation strategy should be submitted with the planning application as the proposed approach will be a matter considered as part of the assessment of the scheme at the time the application is determined.

### **Low-cost and managed workspace**

- 11.5. It is estimated that around 87 per cent of businesses within the Legacy Corporation area are micro-businesses, employing 0-4 people (LLDC Combined Economy Study, March 2018). These businesses have historically relied on the availability of affordable workspace and are a key contributor to the local economy and success of the Olympic regeneration. Securing affordable and low-cost workspace is essential to support the needs of SMEs and start-ups along with cultural and creative enterprises such as artists' studios and designer-maker spaces, as well as charities and social enterprises.
- 11.6. Policy B.4 of the Local Plan encourages the provision of low-cost and managed workspace. If the provision of a low-cost or managed workspace is proposed or required as part of a development, the provision of the affordable workspace, at capped rental levels for the life of the development – i.e. in perpetuity, will be secured through a planning obligation. The Policy sets out the following matters that would require securing through a planning obligation in relation to affordable or low-cost workspace within a scheme:
- Includes an appropriate management scheme secured through Section 106 Agreement
  - Rents are up to 75 per cent of historic market rent for the previous year for the equivalent floorspace in the same area for an equivalent B Class Use, and
  - It is secured at the current market rate for cultural or creative purposes, and
  - It is subsidised to reduce the cost to the user for charitable purposes or
  - It establishes robust management links with a registered workspace provider within the relevant borough.
- 11.7. It is preferable that the workspace provider is one drawn from an approved Borough (Hackney, Newham, Tower Hamlets and Waltham Forest) provider list or is otherwise agreed as appropriate by the Local Planning Authority. In order to demonstrate the

latter and that the proposal meets the policy requirements as a whole, an Affordable Workspace Strategy should be submitted with the planning application.

11.8. The following sets out guidance on what an appropriate strategy would include:

11.8.1. Showing how the space is to be designed, delivered and managed to meet the needs of its end users. Where there is not sufficient certainty to demonstrate that the requirements in the policy will be met at the point that an application is submitted, it may be necessary to submit further information before it is determined. In some circumstances the submission of some information, such as a final Management Strategy, may be required to be submitted before commencement of the development. In all cases the matters that will be secured through a planning obligation will need to have been agreed and finalised before the S106 Agreement is finalised and permission issued.

11.8.2. The Affordable Workspace strategy will be required to be submitted with a planning application or within a timescale that allows proper consideration of the strategy before that application is reported for decision. Specific actions, identified within a workspace strategy and approved by the Legacy Corporation will be captured within planning conditions and/or Section 106 Agreement.

11.8.3. The workspace strategy must demonstrate that the applicant has carried out research and understands the local workspace market. It should be a needs-based approach. It is generally accepted that workspace providers are more skilled than commercial estate agents in understanding the affordable workspace market and their involvement in the preparation is prerequisite. As a minimum, the strategy should include:

- analysis of how the workspace will be designed and marketed to meet the needs of small local companies and businesses, including as appropriate, studio space, small units, desk-space, co-working spaces, marketers, artists, start-ups, and freelance workers. This should take into consideration the suitability of space and its flexibility to meet the need of a variety of different end users
- How the affordable workspace will be allocated to local companies and businesses and thereafter managed by local workspace providers. In the event that an appointed Affordable Workspace Provider fails, details of how the affordable workspace will be retained and let by an approved or otherwise agreed provider
- The minimum fit-out and floor plans detailing size and layout to be delivered and how this respond to the need of the identified local end users. Generally, planning obligations will be used to prevent units being left as 'shell and core' unless the robust market evidence shows that this is required by the end user
- Details of the proposed management scheme including the charging arrangements - a cost schedule including information to demonstrate that the

rental rate set meets the policy requirement of being capped at no more than 75% of historic market rent for the previous year and how that cap will be maintained over time and other rental or lease terms (both head lease to the workspace provider and lease or rental terms for the end user). The management scheme should also identify the approach to providing shared or individual amenities within the workspace and any tenant service and support arrangements that might be put in place.

### **Training and Employment**

- 11.9. Policy B.5 “Increasing local access to jobs, skills and employment training” of the Local Plan encourages employers to participate in skills and employment training initiatives, during the construction and operational phases of development. Funding towards job brokerage, apprentices and work placement schemes, and measures towards encouraging local employment during the construction and operational phases of the development will be sought during the planning process and secured through a planning obligation. Targets would also be likely to sought to address the level of local employment to be achieved alongside diversity and inclusion targets and measures.

### **Interim uses**

- 11.10. Policy B3 of the Local Plan supports the use of land that has been set aside for development in the longer term for interim uses. Where appropriate in support of this policy the Legacy Corporation will use section 106 agreements to prevent units being left as vacant ‘shell and core’ and will require the units to be capable of being utilised by interim uses.

## **Objective 2 - Providing housing and neighbourhoods**

### **Affordable Housing**

- 11.11. The agreed amount of affordable housing and tenure mix within the scheme will always be secured through a relevant planning obligation. This will include any off-site provision and any payment in lieu of on-site provision.
- 11.12. Local Plan and London Plan policy provide a clear approach to determining the amount of affordable housing that should be provided as part of any development containing ten or more residential units and this SPD does not repeat these requirements. The Key Local Plan policies are:
- Policy H2 Delivering Affordable Housing
  - Policy H7 Shared Living Accommodation
  - Policy H8 Innovative Housing Models.

11.13. London Plan policy and associated guidance<sup>1</sup> is also relevant and should be referred to in determining the quantum of affordable housing that should be provided and the appropriate tenure mix, In particular the following:

- London Plan Policy H4 Delivering Affordable Housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H8 Loss of existing housing and estate redevelopment.

11.14. It is acknowledged that policies will change over time at a national, London and local level and the list below simply highlights key areas that are likely to be included in any planning obligation that seeks to secure affordable housing provision or financial contributions:

11.15. The agreed amount of affordable housing and tenure mix within the scheme will always be secured through a relevant planning obligation. This will include any off-site provision and any payment in lieu of on-site provision.

11.16. **Viability reviews:** where the amount of affordable housing proposed is below the relevant policy threshold amount of 35% or 50%, the amount of achievable affordable housing will be determined in accordance with the maximum viable amount at the stage that the planning application is determined. In these circumstances, it is likely that an obligation will be included that will seek further viability review to determine whether the maximum viable amount will have increased prior to the commencement of the scheme or defined stages during its implementation. This will also be the case where the amount of affordable housing is at the threshold level but the tenure split proposed does not meet the local policy requirement of 60% low cost rented and 40% intermediate homes. Depending on the circumstances of the scheme, the outcome of those reviews will be the increase of the quantum of affordable housing on-site (and or a change in the balance of the tenure split), an off-site provision of affordable housing on an identified alternative site with certainty of delivery and additional to any affordable housing that the recipient site might otherwise be expected to provide in accordance with policy. In exceptional circumstances, a payment in lieu of that additional provision may be acceptable where the amount is capable of providing an equivalent quantum and mix of affordable housing that would have otherwise been expected. The exception to this approach is where shared living accommodation is proposed (Local Plan Policy H7) where a payment in lieu to be used for delivery of affordable housing elsewhere is required rather than any form of on-site delivery.

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<sup>1</sup> Guidance: Mayor of London Affordable Housing Viability Supplementary Planning Guidance 2017



11.17. For clarity, one or more of the following will be considered depending on the scheme circumstances:

- Pre-commencement of the scheme
- Early stage review
- Mid-stage review
- Later stage review.

11.18. Other standard elements that are likely to be included within an affordable housing planning obligation are:

- A rents and nominations agreement
- An affordable housing management scheme
- The percentage or number of wheelchair affordable housing units
- Phasing of delivery relative to delivery of the market housing
- Access to communal amenity and play space/areas for affordable housing occupiers
- Securing off-site affordable housing delivery
- Securing payment in lieu of on-site affordable housing provision

11.19. **Income caps for intermediate housing products.** The London Plan 2020 specifies that intermediate rented products should be made available to households with an income of up to £60,000 and that for shared ownership products this should be an income of up to £90,000, these figures being updated in the most recent London Plan Annual Monitoring Report. These updated figures will be secured through the affordable housing planning obligation. Where there is a particular local identified need, a lower household income cap may be sought for some or all of the relevant affordable units within a scheme.

11.20. **First Homes:** Ministerial Statement of 1 April 2021 formally introduced the national requirement for the first 25% of all new affordable housing to be First Homes. This is an intermediate, discounted market sale, affordable housing product that is required to be sold at 30% of the local market price (unless the local planning authority has introduced a greater level of discount). The LLDC Local Plan (2020) seeks a 60/40 low cost rent/intermediate split and so any first homes provision will form a part of the overall intermediate housing quantum in any scheme. The amount of low cost rented affordable housing proportion and requirement would be unaffected. National Planning Practice Guidance (PPG) provides further detail and the approach to securing First Homes will take account of the proposed national template for this. [[LINK](#)].

### **Student Housing**

11.21. Both the Local Plan and the London Plan include specific policies for new student housing schemes. One of the requirements of Policy H.4 of the Local Plan states that proposals for new purpose-built student accommodation (PBSA) should meet

identified strategic needs for student accommodation. To ensure that requirements of this policy are met, planning obligations will be sought for new PBSA to ensure that:

- 11.22. The policy compliant level of student housing for new purpose-built student accommodation, including all affordable units, either be 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. 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 HEI(s) involvement at an early stage of the design process for the proposed PBSA development. Robust evidence of the proposed nominations approach with the HEIs 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. 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 the first occupation of the development.
- 11.23. The required level of affordable units is set out in Local Plan Policy H4. All affordable student units will be secured through a planning obligation, requiring student accommodation let at below-market rent level. The price level for the affordable accommodation should comply with the London Plan policy by ensuring that the cost for the academic year should be equal to or below 55% of the maximum income that a new full-time student in London and living away from home could receive from the Government's maintenance loan for living cost that academic year. The actual amount the Mayor defines as affordable student accommodation for the coming academic year is published in the Mayor's Annual Monitoring Report.
- 11.24. In the event that an HEI is not secured through nomination agreement for a scheme, the London Plan, policy H7, is clear that the accommodation will be treated as a Shared Living product rather than purpose built student accommodation. In such a circumstance, the relevant planning obligation is likely to require that the developer submit for approval an assessment that identifies the provision of off-site C3 affordable housing (for schemes of 30 bedspaces and above), equivalent to 35 per cent of residential units within the proposal. Relevant viability information should be provided in support of the assessment and the agreed sum paid prior to commencement of the scheme. This will ensure that the requirement in Policy H7 (4) of the Local Plan is met in the place of securing the student accommodation through a nominations agreement.
- 11.25. Other terms of Section 106 Agreement will vary between proposals to reflect the local circumstances and scale of the development. These terms may include measures to ensure the following: that student housing is let to students for the full duration of all

terms in the academic year; secures the appropriate level of wheelchair accessible units; is managed as a single planning unit; is managed in accordance with an agreed Student Management Plan, Travel Plan, and Construction Management Plan.

### **Shared Living**

- 11.26. In accordance with Policy H.7 of the Local Plan, proposals for new shared living accommodation of 30 bedspaces and above are expected to provide a financial contribution that is equivalent to 35 per cent of the units, or 50 per cent where the development is on public sector land or industrial land appropriate for residential uses in accordance with London Plan Policy E7. Planning obligations will be used to ensure that the relevant proposals deliver a cash in lieu contribution to C3 off-site affordable housing, equivalent to at least 35 per cent of bedspaces. In accordance with the London Plan, this can be as a one-off payment or an on-going in perpetuity payment. All proposals will be assessed under the Viability Tested Route and any future proposed change of use will trigger a full Viability Review to maximise affordable housing.

### **Protecting Community Infrastructure**

- 11.27. Policy Cl.1 sets out that existing community facilities will be protected and the loss of an existing community facility only permitted in limited circumstances detailed by the policy. Such circumstances include where an equivalent replacement community use will be delivered within or close to the site. This coheres with Policy S1 of the London Plan, and more broadly reflects paragraph 93 (c) of the National Planning Policy Framework which stipulates that planning policies and decisions should guard against the unnecessary loss of such infrastructure. 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.
- 11.28. Where on-site community infrastructure is to be re-provided in accordance with policy, it is crucial that there is sufficient funding in place to enable this to happen. This may necessitate a financial contribution to be secured towards the construction of equivalent or improved facilities. To ensure the sustainability of the re-provided community infrastructure, the Section 106 agreement may also require the developer to transfer land on a long leasehold, with an affordable ground rent and service charge, to the infrastructure provider or operator.

### **New Community Infrastructure**

- 11.29. In accordance with Policy Cl.1 of the Local Plan, new community facilities should be available for use by other sections of the community for alternative uses when not being used by the main user. Such an approach is also supported by Policy S1 of the London Plan, which highlights the value of shared use and co-location of facilities, for instance in bringing together different groups and in allowing organisations to share

maintenance and management costs. This reflects national policy, namely paragraph 93 (a) of the National Planning Policy Framework, which supports positive planning for the use of shared spaces and community facilities.

11.30. Where relevant, Section 106 agreements will be used to secure arrangements for alternative uses of community facilities outside of normal operational hours. It is expected that such an approach would be particularly applicable to schools.

11.31. The standard approach will be for the Section 106 agreement to require submission of a Community Use Strategy for the LPA's approval prior to occupation of the relevant community facility. This strategy should be implemented for a guaranteed period, typically a minimum of fifteen years, and should address the following matters:

- Details of the floorspace within the facility that will be available for out-of-hours community use
- The number of days and/or hours per calendar year that the spaces will be available
- The proposed charges to be levied
- The heads of terms for the licences upon which the areas will be made available
- Details of any activities which shall be precluded from community use
- Details of how the community facility operator will market/advertise the floorspace, and
- Details of how use of the community floorspace will be monitored and reported on.

### **Planning for and bringing forward new schools**

11.32. In accordance with Policy CI.2 of the Local Plan (2020), where significant child-generating development is proposed, the impact on school provision will be considered. Appropriate arrangements will be made for the mitigation of these impacts, through on-site provision and contributions to off-site provision.

11.33. An assessment of school place capacity has already been undertaken at a strategic level through the IDP and the Legacy Corporation Schools Study. Modelling suggests that existing and planned schools in the area will provide sufficient capacity for at least the first half of the plan period. A summary of the new schools which are planned for the area during the plan period is as below:

Table 2: Schedule of planned schools

<b>Planned new schools</b>	<b>Secured</b>	<b>Site Allocation</b>	<b>Notes</b>
Potential for primary school at Rick Roberts Way	No existing planning permission	SA3.6	Identified in 2015 Local Plan as a potential school site. May be required in the second half of the plan period. Requirement to be identified at the time based on monitoring of need
Bromley-by-Bow primary school	No existing planning permission	SA4.1	Two-form entry primary school
Sugar House Island primary school	Existing planning permission: 12/00336/LTGOUT/LBNM	SA4.2	Two-form entry primary school
Neptune Wharf primary school	Existing planning permission: 12/00210/OUT	SA1.4	Three-form entry primary school

11.34. Where permission is granted for one of the above sites, or for another site where a bespoke assessment demonstrates the necessity of on-site school provision, a Section 106 obligation would be used to secure such provision. In standard cases, such an obligation would ensure that provision is made for the relevant school site to be leased to an education provider, authorised by the Department for Education to provide non-fee paying, all ability education to children of the relevant school age. In certain circumstances, the form-entry size of the school may need to be specified in the agreement.

11.35. In larger phased schemes where a school is being provided, it may also be necessary to secure its delivery at a specific point within the development programme to ensure that the need for school places does not exceed local capacity at any point. A Section 106 obligation may therefore be used to restrict occupation of particular phases of development until the school is opened. Such phasing should reflect the forecast number of pupils generated by the development, and the capacity of existing local schools to accommodate them.

11.36. Financial contributions may also be required to fund education provision within the LLDC area or constituent boroughs more broadly. Such contributions will enable flexibility in school delivery, which will help local education authorities to respond quickly and effectively to the outcomes of ongoing population monitoring. Indeed,



the Schools Study (2018) emphasises the importance of ongoing monitoring of population change and consequent impacts on school places take-up. Financial contributions may contribute to the expansion of an existing school or the construction of a new school (including at sites SA3.6, SA4.1, SA4.2 and SA1.4). Typically, this contribution would be calculated with reference to the GLA's Population Yield Calculator, which indicates the number of children of each age range that are likely to be resident at a given development. The cost of accommodating this number of children at local schools would then be derived with reference to average expansion costs per student for the borough in which development is located.

### **Objective 3 - Creating a high-quality built and natural environment**

#### **Play Space**

- 11.37. Policy BN8 of the Local Plan requires major development to improve or provide new play space. If the play space required by the Mayor's Shaping Neighbourhoods Play and Information Recreation SPG (2012) cannot be met on site, contributions towards improving play facilities in nearby locations may be acceptable (subject to meeting the tests set out in regulation 122 and 123 of the CIL regulations). Contributions will be calculated on a case by case basis using the calculator that accompanies the Mayor's SPG and the cost of providing such an area of playspace.

#### **Maximising Biodiversity**

- 11.38. Local Plan Policy BN.3 is clear that where development proposals are assessed as being likely to have an adverse effect on biodiversity and the existing extent of habitat, that compensatory provision will be required to make the scheme acceptable. Where mitigation and compensatory measures are not party of the planning application scheme itself, this will be secured through a planning obligation. This will also be the case for any measures to achieve requirements for Biodiversity Net Gain.

#### **Local mitigation measures for Epping Forest Special Area of Conservation**

- 11.39. The Conservation of Habitats and Species Regulations 2017 (as amended) provides for the designation and protection of 'European sites'. These sites host priority natural habitat or priority species that are identified as of community importance that Competent authorities should protect, conserve and restore these sites, as well as assessing plans or projects that may affect the designated features.
- 11.40. The Legacy Corporation area lies approximately 2.9km to the south-west of the Epping Forest Special Areas of Conservation (SAC), with the entire Legacy Corporation area falling within the 6.2 km zone of influence (ZOI). Given projected increases in population levels due to the construction of planned new homes, it is expected that the pressure arising from the Legacy Corporation area will soon be above the 2 per cent threshold of recreational disturbance of the Epping Forest SAC. Major

developments that fall within the Local Authority area (competent authority) that passes this threshold would have to require that development schemes mitigate this impact by providing or financially contributing towards mitigation measures.

- 11.41. In partnership with Natural England, Legacy Corporation has prepared a ‘toolbox approach’ to mitigation for large developments over 100 units within 6.2km ZOI. Appendix 5 provides a list of projects identified as suitable mitigation measures that can act to alleviate recreational pressures on the Epping Forest SAC. Suitable mitigation may be provided in the form of contributions (physical or financial). Mitigation should be provided near the new development and legally it will be secured through Section 106 planning obligations.

### **Design**

- 11.42. The Legacy Corporation will ensure high standards of design in all developments, in accordance with policies BN.4 and BN.5 of the Local Plan. The costs of ensuring a successfully designed development and meeting urban design policies will be considered a development cost. For example, a development may need to incorporate as part of the design, new open / amenity space for the residents of the development, or for developments adjacent to the waterways, new footpaths, landscaping of the river bank and river enhancements. The Legacy Corporation may secure the provision of these elements through section 106 but would expect such elements to be an inherent part of the design of the scheme and to be provided and paid for by the developers. Public realm enhancements immediately around the site may also be needed, and these will be secured through section 106 where they are reasonably related to a particular development proposal and may include off-site improvements. Where new pieces of public realm are secured to be delivered on private land, public access to this would be secured in the section 106 agreement in accordance with the principles in the Mayor of London’s [Public London Charter](#). Public safety, including the safety of women, should be addressed as an inherent part of the design of a scheme and also its related public realm and space and any element secured through a section 106 agreement will also need to show that the design and relevant safety measures are included.
- 11.43. The Legacy Corporation has an established approach to ensuring design quality which includes its Quality Review Panel, that advises developers, officers and the planning committee on design elements of schemes.
- 11.44. For Major Development schemes, planning obligations will be used to ensure that design quality is carried through into the detailed design and construction of the development in accordance with London Plan policy D4 Part F, Maintaining Design Quality. These are likely to require the retention of the original design team to ensure that they are involved in development from start to finish. If one or more members of the full design team responsible for preparation of the planning application are not

retained for the detailed design stage, a contribution is likely to be required to allow the appointment of an independent design monitoring team to advise the local planning authority to ensure that the original design quality is maintained.

11.45. In such circumstances, a design monitoring schedule, tailored to the development, will form part of the Section 106 agreement and include a list of the design monitoring team's actions and deliverables particular to each design stage. The Section 106 will seek the agreement of costs calculated in line with a schedule of fees and scope overview for design monitoring that is proportionate to the scale of development.

#### **Objective 4: Securing Transport Infrastructure to Support Growth**

##### **Transport Improvements**

11.46. 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 implementation of transport schemes;
- How they relate to the Healthy Streets indicators;
- 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; and
- 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.

Proposals and any measures secured by section 106 agreement should also be able to demonstrate how they enhance public safety, including safety for women.

11.47. Relevant schemes will usually be identified in the Infrastructure Delivery Plan (IDP) and will be included in the Infrastructure List. One significant source for the IDP and Infrastructure List is the Connectivity Portfolio programme, which identifies key routes as per Figure 4.

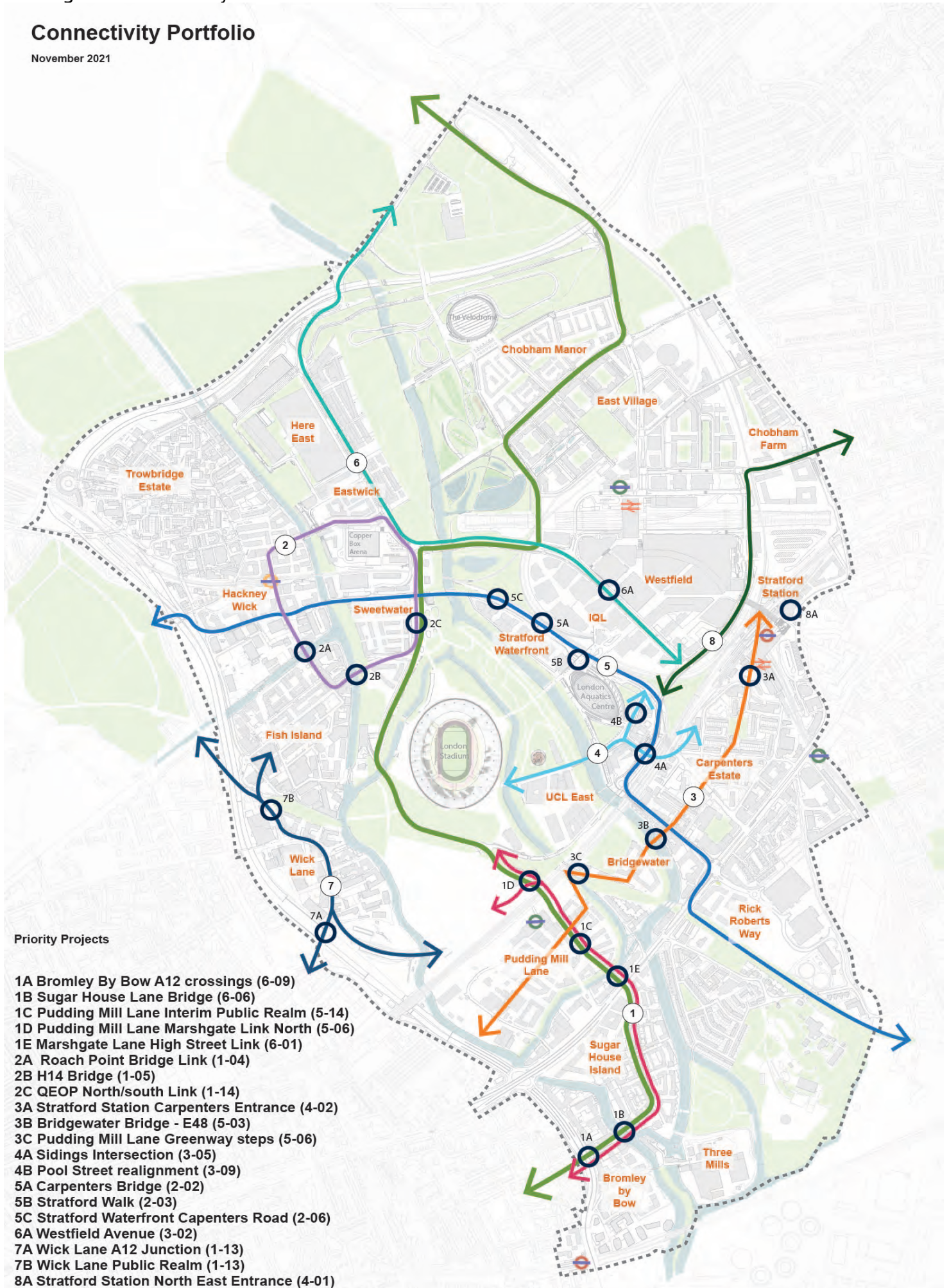
11.48. Where development proposals come forward on sites that either encompass transport infrastructure identified for improvement, or which have been identified as locations for future transport infrastructure, Section 106 obligations will be used to secure delivery of these improvements where this is necessary to make development acceptable. Such obligations may include phasing restrictions such that development cannot be occupied until these improvements have been delivered. This will ensure that sustainable transport choices are available to residents as soon as they move in.



Figure 4: Connectivity Portfolio

## Connectivity Portfolio

November 2021



- 11.49. 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. 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.
- 11.50. More broadly, to ensure that healthy streets are delivered and sustainable modes of transport are supported, financial contributions may be sought to help deliver local connectivity improvements.

### **Travel Plans**

- 11.51. In accordance with policy T.4 of the Local Plan, new developments will be required to use target-based Travel Plans to encourage smarter travel. These will be secured through S106 Agreements. As per Policy T4 of the London Plan, these should have regard to the Transport for London Guidance.

### **Construction Management and Servicing**

- 11.52. In accordance with policy T.4 of the Local Plan, major new development will be required to demonstrate how its construction impact will be managed through a Construction Management Plan and how, once operational, servicing and deliveries will be managed through Delivery and Servicing Plans. There are two existing Construction Transport Management Groups (CTMG) that have been established within the LLDC administrative area. Developers of major schemes may be required, through Section 106 or condition, to attend this group in order to manage and coordinate the cumulative construction impact of their and other developments. Where a CTMG is in operation, or is to be set up, there will be an expectation that major development schemes will make a financial contribution towards the costs of its operation and towards measures to mitigate identified construction transport impacts, where such impacts and measures have been identified.

## **Objective 5: Creating a Sustainable Place to Live and Work**

### **Energy and carbon reduction**

- 11.53. Policy S.2 sets out the requirements for development to reach net zero carbon emissions including any residual carbon offsetting, while Policy S.3 addresses requirements for energy infrastructure and heat networks. A separate “Getting to Net Zero” SPD provides guidance on the approach to reducing emissions within the development and the requirement to offset an residual calculated carbon emissions



through payment to the LLDC Carbon Offset Fund [INSERT LINK]. A planning obligation will be used to secure the agreed approach to carbon reduction for relevant developments, the monitoring of the predicted carbon reduction performance for the scheme, and any carbon offset payment that might be required.

- 11.54. Where a connection to a connection to a local or district heat network is part of the approach proposed, connection to the network will also be secured by planning obligation along with mechanisms to ensure that customers are protected in respect of the price of the energy provided.

### **Sustainability and BREEAM performance**

- 11.55. Policy S4 sets out the approach and requirements for sustainable design and construction. This includes a requirement that non-domestic space achieves a minimum BREEAM 2011 rating of 'very good' but a maximum score for water use. A significantly better overall BREEAM rating than 'very good, is encouraged. Where relevant, the approach and targets relating to achievement of the performance of the development as measured by BREEAM score will be captured through a planning obligation.

### **Impact of Development on Broadcast and Telecommunications Services**

- 11.56. In accordance with Policy S.6, the Legacy Corporation may require that an impact statement is prepared and a mitigation plan implemented prior to occupation if development is proposed that may have an adverse impact on broadcast and telecommunications services. This will be secured through a Section 106 agreement.

### **Waste management**

- 11.57. Policy S7 addresses the situation in which an existing waste management site or facility is proposed to be lost as a result of a development proposal. In such an instance, it is required that an additional site or facility is secured to meet the maximum waste throughput of the existing one. This re-provision will be secured through a planning obligation.

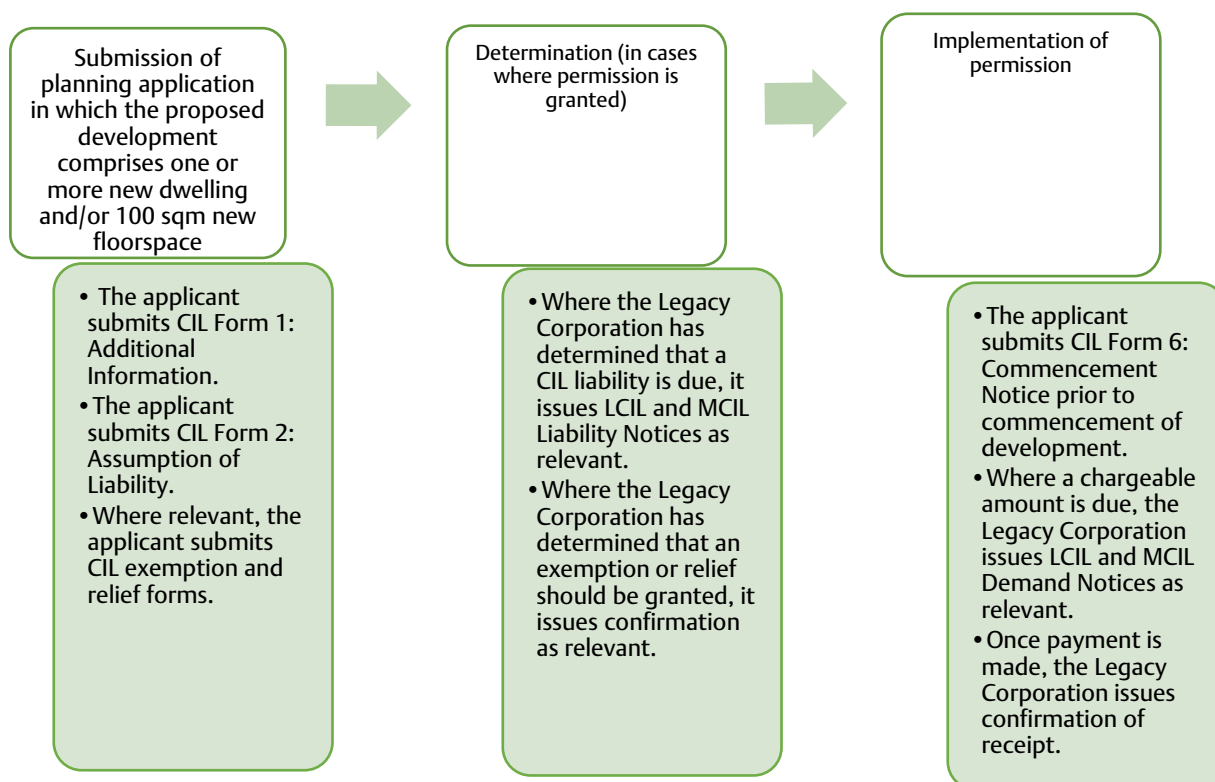
### **Flood defence, protection and sustainable drainage measures**

- 11.58. Policies S10 and S11 set out the requirements and approach to addressing flood risk and protection of development through sustainable drainage measures where relevant. Depending on the circumstances of the proposal on site measures may be secured by planning obligation, for example construction or repair of flood defences or river walls. Where it is necessary for the development to provide flood mitigation or defence measures, or sustainable drainage measures off-site, these will be secured through a planning obligation.

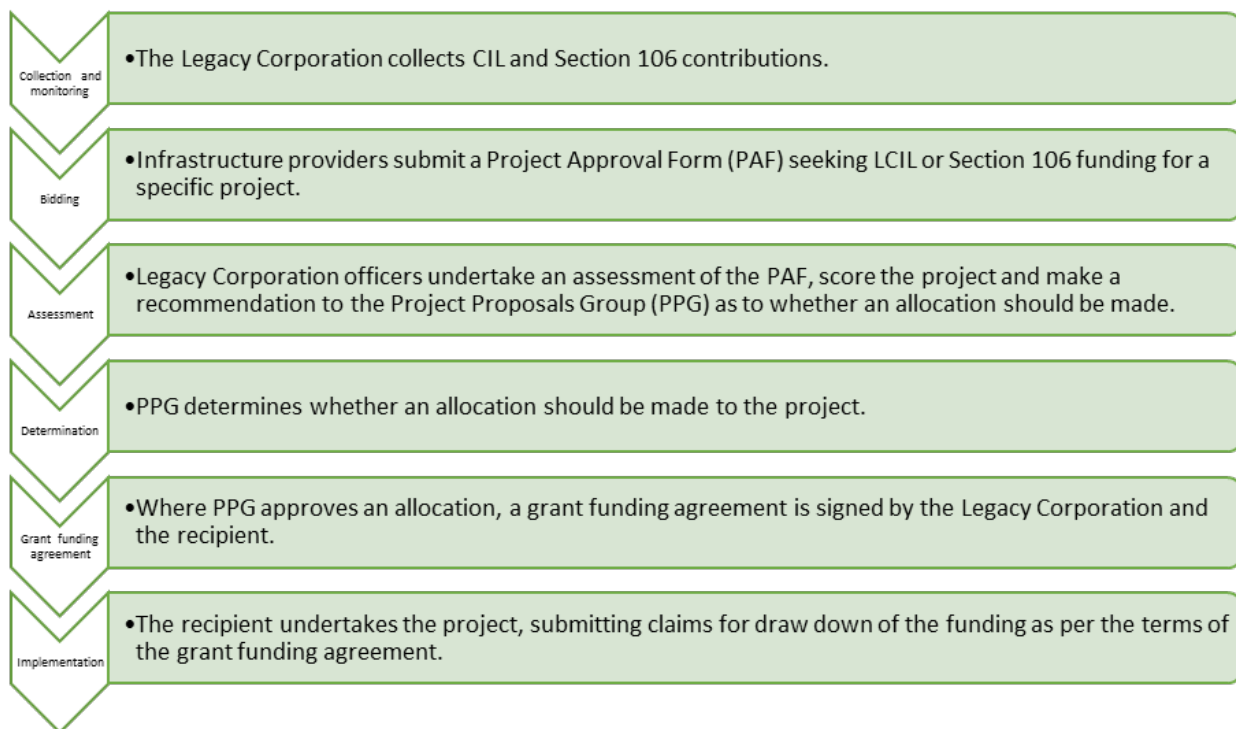
## **Safety and security (including the safety of women and girls)**

- 11.59. 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.
- 11.60. Policy S.12 Resilience, safety and security, 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 the Metropolitan Police 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.
- 11.61. 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. Areas for use of contributions that have been identified include staff set up costs, vehicles, mobile IT, Police National Database (e.g. licences, IT and telephony) and the provision of police accommodation.
- 11.62. Applicants proposing referable schemes are encouraged to engage 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.

## Appendix 1 - CIL Charging Process: Standard cases, including full planning applications and reserved matters for outline permissions



## Appendix 2- LCIL and Section 106 Governance Process Chart



## Appendix 3 - Legacy Corporation: delivery and implementation

TYPE	DESCRIPTION (FROM IDP)	POLICY	SUB AREA AND SITE ALLOCATION
Social Infrastructure	Education (primary, secondary and early years)	CI.2: Planning for and bringing forward new schools	<p><b>Primary</b> Sub Area 1: SA1.4 Sub Area 3 SA3.4 and SA3.6 Sub Area 4: SA4.1</p> <p><b>Early years</b> Sub Area 1 SA1.4, SA1.5 and SA1.6 Sub Area 2 SA2.3 Sub Area 3 SA3.2 and SA3.3 Sub Area 4 SA4.3</p>
	Primary healthcare; open space; green infrastructure; child play space	<p>CI.1 Providing new and retaining existing community infrastructure</p> <p>SP.3 Integrating the built and natural environment</p> <p>BN.3 Maximising biodiversity</p> <p>BN.7 Protecting Metropolitan Open Land</p> <p>BN.8: Improving Local Open Space</p> <p>BN.9 Maximising opportunities for play</p> <p>S.9 Overheating and Urban Greening</p>	<p><b>Primary Healthcare</b> Sub Area 1 SA1.1 and SA1.6 Sub Area 3 SA3.5 Sub Area 4 SA4.3</p> <p><b>Open Space</b> Sub Area 1,2,3 and 4 Sub area 1 SA1.1, SA1.3 and SA1.4 Sub area 4 SA4.1 and SA4.2</p> <p><b>Child play space</b> Sub Area, 1,2,3 and 4 Sub Area 3 SA3.6 Sub Area 4 SA4.1, SA4.2 and SA4.3</p>
	Sports facilities (courts and swimming pools)	CI.1: Providing new and retaining existing community infrastructure	<p><b>Sports facilities</b> Sub Area 2 Sub Area 4</p>

	Libraries; community centres and community space	CI.1: Providing new and retaining existing community infrastructure 4.1: A potential District Centre SA1.1: Hackney Wick Station Area	<b>Libraries, community centres and community space</b> Sub Area 1 SA1.1 Sub Area 3 SA3.4 Sub Area 4 SA4.1
Transport	Local connectivity and transport improvements	SP.4: Planning for and securing infrastructure to support growth and convergence T.2: Transport improvements T.3: Supporting transport schemes T.4: Managing development and its transport impacts T.6: Facilitating local connectivity T.10: Using the waterways for transport 1.3: Connecting Hackney Wick and Fish Island 3.3: Improving connections around central Stratford 4.2: Bringing forward new connections to serve new development 4.3: Station improvements	<b>Local connectivity and transport improvements</b> Sub area 1,2,3 and 4 Sub Area 1 SA1.3 Employment cluster designation B.1a3 Sub Area 2 SA2.1 Sub Area 3 SA3.2, SA3.3 and SA3.4 Sub Area 4 SA4.1, SA4.2, SA 4.3 and SA4.5
	Strategic Transport Improvements	SP.4: Planning for and securing infrastructure to support growth and convergence T.1: Strategic Transport Improvements	<b>Strategic Transport Improvements</b> Sub Area 1 SA1.1 Sub Area 3 Sub Area 4
Utilities and Hard Infrastructure	Energy (electricity, gas and Combined Cooling, Heat and Power [CCHP])	S.2: Energy in new development S.3: Energy infrastructure and heat networks	<b>Energy</b> All sub areas

	Sewerage (waste water)	S.5: Water supply and waste water disposal S.8: Waste reduction	<b>Sewerage</b> All sub areas
	Waste management and flood defences	S.7: Planning for waste S.10: Flood risk and sustainable drainage measures SP.4: Planning for and securing infrastructure to support growth and convergence	<b>Waste management and flood defences</b> All sub areas
	Telecommunications and Digital Technology	S.6: Increasing digital connectivity, safeguarding existing communications provision and enabling future infrastructure	<b>Telecommunications and Digital Technology</b> All sub areas



## Appendix 4 - GUIDANCE ON APPROACH TO ACCEPTABLE RELOCATION STRATEGIES

### Introduction

Local Plan Policy B.1 requires the provision and implementation of a Relocation Strategy' in certain circumstances, in particular where there would be the loss of an existing business as a result of a loss of business premises where that site was proposed for redevelopment. One of the policy criteria within Local Plan Policy B1.5 seeks the submission of a Relocation Strategy in the circumstances where an existing business or businesses operating at the site could not be retained as part of the development scheme and the loss of that business from that site is deemed to be acceptable through meeting the other requirements of the policy. The following provides guidance on what should be included within a robust Relocation Strategy. As each scheme will have different circumstances the actual approach to a specific relocation strategy should be discussed with the Local Planning Authority before its submission and preferably at pre-application discussion stage. Within the process of preparing such a strategy it is recommended that the following structure and approach is used: (1) provide analysis; (2) identify a strategy; and (3) identify actions to implement that strategy.

### Provide Analysis

Assessing the requirements of the businesses currently occupying the site to establish their willingness to relocate, size of business (premises and number of employees), specific business requirement in terms of location, size and type of premises required, servicing requirements (e.g. access for deliveries and pick up, utilities requirements and sizing). The analysis should also address the existing lease arrangements for the business(es) in question. Where the business wishes to cease trading rather than relocate, explain the situation and process of reaching this conclusion from the applicants point of view. This should include a statement from the business confirming that this is the position.

### Identify a Strategy

Provide a strategy for relocating businesses that wish to relocate from the site, detailing how the applicant will explore relevant options with those businesses and what assistance to relocate will be provided.

### Principles that relocation strategies will need to address:

1. Identifying suitable and available alternative locations that are, in order of preference (i.e.) nearby the existing premises or at least within Hackney Wick/Fish Island; (ii) if no suitable and available relocation site available in that vicinity, then identification of suitable sites/ premises within the four boroughs (Hackney, Newham, Tower Hamlets or Waltham Forest), or if no options available in those boroughs then identification within wider East London. Where identified locations are not in the immediate vicinity of the existing premises (i.e. outside of the Hackney Wick and Fish Island area) evidence may be sought to demonstrate that the

businesses to be relocated consider that the locations identified are suitable for the viable continuation of their business.

2. If there are no suitable alternative locations available at the required point in time, but suitable accommodation is available within the later phases of a nearby consented development scheme, or should the business wish to return to suitable premises within the proposed scheme itself, the strategy should examine options for temporary relocation to a site or premises available on an 'interim use' basis that would meet the needs of the business(es) to be relocated in the short term before a final move.
3. In identifying suitable sites and premises for business uses not compatible with mixed use or residential development, this should include consideration of premises, sites or locations with a suitable employment land designation i.e. Other Industrial Location (OIL), Locally Significant Industrial Site (LSIS) or Strategic Industrial Land (SIL).
4. Include consideration of opportunities for a specific relocation approach that would result in the acceptable intensification of employment use within an OIL, LSIS or SIL designated site or area nearby while ensuring that the requirements for maintaining or re-providing employment space set out within Local Plan Policy B.1 are acceptably addressed through the amount and type of business space to be provided within the application site.
5. Outline the approach to offering and agreeing relocation with those businesses that could be relocated, including principles of addressing acceptability of lease/rent costs and structure, addressing the reasonable bespoke and general costs of business relocation.
6. Specific requirements of the business(es) that would be relocated:
  - o Type and size of business premises
  - o Locational needs and preferences
  - o Access to existing markets for that
  - o Access to the premises for clients and employees and general servicing (including delivery) requirement.

## Identify Actions to Implement the Strategy

In principle, specific actions within a relocation strategy will be captured within planning conditions and/or S106 Legal Agreement. It will generally be expected therefore that a relocation strategy is

submitted with any planning application or within a timescale that allows proper consideration of the strategy before that application is reported for decision.

Areas that are likely to require consideration are as follows and should ideally be addressed within the proposed Relocation Strategy:

- o The phase of the scheme at which relocation of the business(es) would need to occur
- o The trigger point within the scheme at which relocation would need to occur
- o The process for and timing for agreeing the relocation site or premises with the affected business (ideally including identification of a dispute resolution mechanism).
- o The type of unit, location of unit, servicing and any fit-out requirements for the business.
- o Timing for availability of the site or premises to which the businesses in question would be relocated to.

## Appendix 5 - List of Epping Forest Mitigation Projects

Landscape Portfolio Reference	Landscape Portfolio Project	Description of Project
1SP-11	Warton Road landscape from roundabout to blue bridge	Additional planting and reconfiguring steps and ramp access to improve welcome to the Park from walking and cycling routes to the South and East.
1SP-21	Greenway banks on Sidings Street and Marshgate Lane (between tunnels)	Landscaping - TW own banks but have no plans to improve planting and maintenance of banks and top are unkempt. Targets: create new invertebrate habitat/features and contribute towards BAP objectives; remove dead plants and weeds; tame overgrown areas.; interpretation boards highlighting the value of these habitats and similar 'brownfield' sites. Wayfinding - improved wayfinding at top and bottom of ramps with consideration given to new Pudding Mill Theatre signage. Lighting - lux levels here to be reviewed and improve illumination to area
2NP-12	Westfield Avenue near ecology area between SIW and Unite Building - improve this entrance to the Park.	Improve this entrance to the Park. Owned/Adopted by Newham/HS1/Network Rail
1SP-39	Sweetwater Canal Park	Land outside the Eastwick and Sweetwater Phase 4 development parcel and landscape proposals.  Potential to develop proposals for this area which enhance GI and biodiversity

Visit the Legacy Corporation website at <http://queenelizabetholympicpark.co.uk>

Or contact the Planning Policy and Decisions team on:

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