

Planning Appeals Protocol

Planning Policy Decisions Team (PPDT) and Growth Boroughs

Introduction

This protocol outlines the objectives, principles and programme for the transition of PPDT development management powers to the Borough Local Planning Authorities, in so far as they relate to planning appeals, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, planning appeals.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Borough areas with respect to planning appeals.

The numbers of applications LLDC have received over the past full 5 years (plus 2023 to mid-May) is set out below. See table 1.

YEAR	2018	2019	2020	2021	2022	2023 (to mid-May)
No. of appns	579	602	491	588	533	202
No. of majors	22	22	10	19	8	3

Table 1: number of applications received by year (all types)

45-50% of planning applications received are details applications, which are all approved.

PPDT refuse an extremely low number of planning applications per year (c.1-2%).

In the past 5 year there has been one major appeal per year. See table 2.

2018	2019	2020	2021	2022
2-12 Stratford High Street (affordable housing)	Swan Wharf	Marshgate	Bow River Village	Rothbury Road
Hearing – appeal withdrawn	Inquiry	Inquiry	Inquiry	Hearing
NEWHAM	TOWER HAMLETS	NEWHAM	TOWER HAMLETS	TOWER HAMLETS

Table 2: number and type of major appeals by year, and borough

Task

PPDT prepared a draft appeals protocol circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 7 June 2023, where agreement was reached on the way forward. PPDT were open to receive any further comment on the protocol until June 21, 2023, extended to July 17 2023. The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to planning appeals up to August 2024, in the context of the upcoming transfer of powers
- b. Allow effective stakeholder engagement in planning appeals
- c. Agree a method for Borough involvement in appeals cases
- d. Enable Boroughs to undertake, where required, continuing successful appeals work on cases inherited from PPDT
- e. Enhance Borough decision-making
- f. Streamline planning procedures and improve efficiency
- g. Strengthen accountability and transparency

Principles and Process

- LLDC retains control over all types of appeals
- PPDT will share a list of appeals cases monthly, and discuss the cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list
- Major cases the subject of appeal will have a PDC decision in the case of refusal, or (as expected) a PDC decision to endorse officers' recommendation to refuse in the case of non-determination appeals ('would have been empowered to decide' scenario) to support an appeal (inquiry/hearing)
- The aim is, as is reasonable, to present a jointly supported (Borough/PPDT) case/evidence
- Boroughs may choose to brief appeals to their committees
- For any case the borough has an interest in, written communications to the appellant and documents to be submitted to PINS (statement of case, SOCG etc) to be prepared by the Lead Authority (PPDT) and drafts and final versions shared in advance with the Boroughs for joint agreement
- For any case the borough has an interest in, any meetings with appellants, including concerning SOCG, S106, conditions etc will involve both the LLDC and the boroughs and will involve officer pre-meets to try and ensure a consistent message
- The agreed resolution mechanism for any fundamental differences on approach to appeals is for the Borough to make 3rd party representations to PINS
- Commitment to resource and to reviews to ensure working effectively
- Offer to fund retention of Pinsents Masons' legal service for a period of up to 3 months post handback of powers to assist the Boroughs, also Arup (environmentals) and Jacobs (transport)

- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests
- For a planning inquiry/hearing case that a borough will inherit the anticipated (quoted) cost of any legal, or other representation, to support the inquiry/hearing to be agreed in advance with the borough
- PPDT to resolve/close as many cases as practicable, with minimum handover of live appeals cases

Programme

- PPDT will share the list of on-hand appeals cases monthly from August 2023
- Joint Publicity for handover of powers will include reference to planning appeals
- The Statutory Instrument (SI) for the transfer of powers confirms that costs received post-transfer of powers will be picked up by the Boroughs, and costs granted by the courts, for example, following successful prosecution post-transfer, will be granted to the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

Conclusion:

This protocol provides a process for Borough involvement with respect to planning appeals until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

Agreement

Borough agreement on the protocol (dated [to be completed following Borough cabinet])

LLDC Developments Protocol



Planning Policy Decisions Team (PPDT) and Growth Boroughs

Introduction

This protocol outlines the process and procedures for the transition of PPDT development management powers in so far as they relate to London Legacy Development Corporation (LLDC) Developments i.e., developments managed and operated by LLDC.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Growth Boroughs with respect to LLDC Development.

Post the 2012 Olympic & Paralympic Games, i.e., between 2012 to 2014, an extensive transformation programme was implemented by the LLDC, ahead of the long-term opening, operation of the venues and parklands.

To date, the venues, infrastructure and parklands have been managed and operated by LLDC.

The LLDC Local Planning Authority and landowner boundary captures venues such as the London Stadium, London Aquatics Centre, Copper Box Arena, Lee Valley Hockey and Tennis Centre as well as the Lee Valley Velodrome. These venues are split across the boroughs of Newham, Hackney and Waltham Forest.

There are also other significant parklands and infrastructure planning permissions which fall within and across the Boroughs of Tower Hamlets, Hackney, Waltham Forest and Newham.

Task

LLDC to prepare a range of documents and plans, which supplement the planning register data, and provide a chronological planning context and current status report for each venue, key infrastructure and parklands within each of the Growth Boroughs.

The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

Protocol Objectives

- a. Provide knowledge and clarity to the Growth Borough on LLDC Development planning permissions.
- b. Enable the Growth Boroughs successful monitoring of planning conditions and legal obligations post transition.
- c. Enable Growth Boroughs to undertake where required successful enforcement.
- d. Enhance Growth Borough decision-making and community participation in the planning process.
- e. Streamline planning procedures and improve efficiency.
- f. Strengthen accountability and transparency.

Work Schedules

The following documents and plans encompassing the venues, infrastructure and areas of parkland will be prepared by PPDT for each of the Growth Boroughs:

- Word document stating each Individual Venue Planning History and Context highlighting 'live' planning permission and subsequent amendments.
- Excel spreadsheet relating to each individual Venue 'live' planning permission documenting the status of all relevant planning conditions and obligations.
- Word document stating key infrastructure planning history and context highlighting 'live' planning permissions and subsequent amendments.
- Word document stating the Queen Elizabeth Olympic Park Parklands History and Context highlighting 'live' planning permissions and subsequent amendments.
- Excel spreadsheet relating to Queen Elizabeth Olympic Park parklands 'live' planning permissions documenting the status of all relevant planning conditions and obligations.
- Queen Elizabeth Olympic Park Venue and Parklands site wide map highlighting venue and parklands redline boundaries.
- Queen Elizabeth Olympic Park Venue and Parklands split between each Borough highlighting venue and parklands permissions redline boundaries.
- Full Master Excel spreadsheet for all Queen Elizabeth Olympic Park Venue and Parklands completed and 'live' planning permissions.
- The list above is in addition to the transfer of Borough Filtered Development Management Planning Application Data covered in the Data Transfer Plans.

Programme

- LLDC draft of work schedules listed above to be completed October 2023
- Borough review and comment on draft work schedules - November 2023
- Borough workshop at Borough location TBA to go through the main points of the QEOP permissions and what is programmed for submission/change December 2023
- Work schedules to be agreed and completed January 2024
- *For noting - supplemental planning register data relating to LLDC Developments (set out above) to be provided as per the Borough Data Transfer Plan agreement.*

Conclusion:

This protocol provides a roadmap for the smooth transition of PPDT's development management powers with respect to LLDC Development to the Growth Boroughs. By following this protocol, the Growth Boroughs can maintain effective development management processes, and engage stakeholders in the decision-making process.

Agreement

Borough agreement on the protocol (dated [to be completed following Borough cabinet])

Planning Enforcement Protocol

Planning Policy Decisions Team (PPDT) and Growth Boroughs

Introduction

This protocol outlines the objectives, principles and programme for the transition of PPDT development management powers to the Borough Local Planning Authorities, in so far as they relate to planning enforcement, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, enforcement matters.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Borough areas with respect to planning enforcement.

The numbers of enforcement cases PPDT have received over the past full 5 years (plus 2023 to mid-May) is set out below. Compared to the boroughs case numbers are extremely low. See table 1.

Over the past 5 years activity around formal enforcement proceedings has been minimal. An enforcement notice was served on the occupiers of 616 Wick Lane (LBTH) in Nov 2019 to remove caravans/C3 use and to restore the site; followed by successful prosecution.

The main issues that come to LLDC from residents (or ward councillors, on their behalf – mainly in LBTH) for consideration under planning enforcement are emissions arising from ground disturbance (contaminated land) and noise/disturbance and traffic arising from demolition/construction; all of which are controlled through planning condition. Also, noise from existing uses can be an issue in Hackney Wick Fish Island as more new residents move into the area.

Boroughs are already involved in LLDC enforcement as necessary – usually the EHO/EPD, or Highways teams.

As it stands (early June 2023) there are 35 live planning enforcement cases, though work is ongoing to actively reduce numbers; and a number are currently under consideration (c.8 are expected to be soon closed).

2018	2019	2020	2021	2022	2023 (to mid-May)
30	41	17	14	15	11

Table 1: number of enforcement cases received by year (all types)

Task

PPDT prepared a draft protocol circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 7 June 2023, where agreement was reached on the way

forward. PPDT were open to receive any further comment on the protocol until June 21, 2023, extended until 17 July 2023. The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to planning enforcement up to August 2024, in the context of the upcoming transfer of powers
- b. Agree a method for Borough involvement in enforcement cases
- c. Enable Boroughs to undertake, where required, continuing successful enforcement on cases inherited from PPDT
- d. Enhance Borough decision-making
- e. Streamline planning procedures and improve efficiency
- f. Strengthen accountability and transparency

Principles and Process

- PPDT retains control over enforcement matters
- Commitment for PPDT and Boroughs to resource and to involvement, communication, effective and timely reviews and feedback, to ensure working together effectively in delivering Planning services
- PPDT will share a list of enforcement cases monthly, and discuss the cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list
- For cases the borough expresses an interest in, written responses to the breacher will be prepared by the Lead Authority (PPDT) and drafts and final versions shared with the Borough for joint agreement
- For any fundamental differences on approach identified towards any enforcement cases, a meeting between PPDT, the Borough and their legal representatives (if required), shall be held and an agreed resolution reached
- Where PPDT considers it may be appropriate to serve a planning or listed building enforcement notice, breach of condition notice or stop notice, they will notify the Borough and take their view into account on the expediency of such action
- Commitment to resource and to reviews to ensure working effectively
- Offer to fund retention of Pinsents Masons' legal service for a period of up to 3 months post handback of powers to assist the Boroughs, albeit TfL legal are PPDT's legal advisors for enforcement purposes; also Arup (environmentals) and Jacobs (transport)
- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests
- PPDT to resolve/close as many cases as practicable, with minimum handover of live enforcement cases

Programme

- PPDT will share the list of on-hand enforcement cases monthly
- Joint Publicity for handover of powers will include reference to planning enforcement
- The Statutory Instrument (SI) for the transfer of powers confirms that costs received post-transfer of powers will be picked up by the Boroughs, and costs granted by the

courts, for example, following successful prosecution post-transfer, will be granted to the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

Conclusion:

This protocol provides a process for Borough involvement with respect to planning enforcement until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

Agreement

Borough agreement on the protocol (dated *[to be completed following Borough cabinet]*)

LLDC LCS Development Protocol

Planning Policy Decisions Team (PPDT) and Growth Boroughs

Introduction

This Protocol outlines the process and procedures for the transition of PPDT development management powers in so far as they relate to London Legacy Development Corporation (LLDC) Legacy Communities Scheme (LCS) outline planning permission.

The aim is to ensure a smooth transfer of responsibilities and maintain effective development management processes for each of the Growth Boroughs with respect to LLDC Development.

Background

The LCS was originally granted outline planning permission in 2012 (11/90621/OUTODA). It consisted of residential-led mixed use development across seven Planning Delivery Zones (PDZs) within Queen Elizabeth Olympic Park. These included:

- PDZ1 – Marshgate Wharf (now Stratford Waterfront);
- PDZ2 – Marshgate Wharf (now UCL East);
- PDZ4 – Sweetwater;
- PDZ5 – East Wick;
- PDZ6 – Chobham Manor;
- PDZ8 – Pudding Mill; and
- PDZ12 – Rick Roberts Way.

A plan with the location of the relevant PDZs is attached at Appendix 1 of this note. The original planning permission granted consent for:

“Comprehensive, phased, mixed use development within the future Queen Elizabeth Olympic Park, as set out in the Revised Development Specification & Framework (LCS-GLB-APP-DSF-002). The development comprises up to 641,817 sqm of residential (C3) uses, including up to 4,000 sqm of Sheltered Accommodation (C3); up to 14,500sqm of hotel (C1) accommodation; up to 30,369 sqm (B1a) and up to 15,770 sqm (B1b/B1c) business and employment uses; up to 25,987 sqm (A1-A5) shopping, food and drink and financial and professional services; up to 3,606 sqm (D2) leisure space and up to 31,451sqm (D1) community, health, cultural, assembly and education facilities, including two primary schools and one secondary school; new streets and other means of access and circulation, construction of open and covered car parking; landscaping including laying out of open space with provision for natural habitats and play space; new and replacement bridge crossings, re-profiling of site levels, demolition and breaking out of roads and hardstanding, utilities diversions and connections; and other supporting infrastructure works and facilities”.

The LCS has been subject to four completed variation applications under Section 73 (in addition to a number of non-material amendments):

- 2014 (14/00036/VAR) – which amended the phasing for PDZ4 and 5;
- 2017 (17/00236/VAR) – which “slotted out” PDZ2 for academic use;
- 2018 (18/00471/VAR) – which slotted out PDZ1 for other residential and cultural uses; and
- 21/00561/VAR (resolved to approve in July 2022) – which will slot out the eastern edge of Pudding Mill Lane (Bridgewater Triangle) for a replacement higher density residential scheme.

A further variation is also currently being determined by the LLDC PPDT:

- 22/00216/VAR – which will slot out the remainder of PDZ8 at Pudding Mill Lane for a replacement higher density residential-led mixed use scheme (the slot in proposal for a revised masterplan development has been resolved to be approved by LLDC Planning Decisions Committee) with a decision expected end of July 2023.

Assuming that the above variation will be approved, and all variations implemented, this will leave the LCS with four remaining Planning Delivery Zones – Chobham Manor, East Wick, Sweetwater and Rick Roberts Way. However, due to the later implementation of the Bridgewater and Pudding Mill planning permissions which will now be post-Transition, PDZ8 may need to be retained within the new relevant LCS permission (LBN) to be “slotted-out” in due course”.

Of the other remaining PDZs:

- Chobham Manor (PDZ6) is completed and occupied;
- East Wick (PDZ5) is partly occupied (Phase 1 only) with reserved matters approval secured for future phases;
- Sweetwater (PDZ4) has not commenced but has reserved matters approval secured for future phases; and Rick Roberts Way remains approved in outline with no detailed design work on reserved matters. The intention is also to “slot-out” this PDZ from the LCS in due course. A ‘slot-in’ application for housing development is programmed to be submitted to LLDC PPDT in early 2024. It should be noted that the red line for Rick Roberts Way will change given the land swap agreement with LBN.

In addition to this, various parts of the LCS social and physical infrastructure have been delivered independent on the new residential-led communities including Canal Park (PDZ4 and 5), upgraded roads and bridges (PDZ4) and a new secondary and two new primary schools (PDZ4 and 5).

A plan with the residual LCS with the identified slotted-out zones is attached at Appendix 2.

Operation of the LCS

The LCS permission has over 300 planning conditions and a detailed section 106 agreement which 15 schedules of obligations. Although there are a number of PDZ-specific conditions, many of the planning conditions and obligations are generally split between site-wide requirements (e.g., strategies, payments) and those that apply to all individual PDZs..

This structure has worked well whilst there has been a lead developer (LLDC Development) and a single local planning authority (LLDC PPDT). PPDT recognise that post-Transition the LCS as a single consent straddling the administrative planning boundary of three London boroughs – Newham (PDZ6 and 12), Hackney (PDZ5) and Tower Hamlets (PDZ4) may prove somewhat unwieldy for the three boroughs to navigate:

- Developers may need to discuss and directly consult with three separate planning authorities when implementing their consents and/or dealing with amendments or variations to their schemes;
- Applications under Section 73 or Section 96A would need to be made to each of the Boroughs. As well as the resource implications there could be the potential issue of addressing representations made by boroughs in relation to the determination of applications or variation of permissions outside their boundary; and
- For the (residual) LLDC as landowner it is unclear who would discharge site-wide planning conditions, and how any site-wide payments might be split.

Task - Proposed Re-Structure of the LCS Permission

LLDC PPDT together with LLDC Development propose to restructure the outline planning permission and associated section 106 legal obligations /Unilateral Undertakings (UU).

The LCS would be split into **three** separate section 73 permissions, each with a reduced redline. This would be drawn up on borough boundaries so there would be one for PDZ4 (London Borough of Tower Hamlets), PDZ5 (London Borough of Hackney), and PDZ6, PDZ8 and 12 (London Borough of Newham). Conditions and obligations would be reimposed on a PDZ-basis only. Concurrent applications under section 96A would also be made to amend the description of development.

Protocol Objectives

- a. Replace the existing LCS permission and associated section 106 legal agreements /Unilateral Undertakings (UU) with **three** borough-specific permissions and UUs so that the planning conditions and obligations are reapplied where necessary to each of the residual Planning Delivery Zones (PDZs).
- b. Ensure existing LCS development and any mitigation secured under conditions/obligations is PDZ-specific i.e., to sit distinctly within each Borough boundary for relevant Borough (LBN, LBTH and LBH).
- c. Remove obligations/conditions relating to site-wide requirements and rely on PDZ-specific requirements only.
- d. Ensure triggers for delivery or payment are specific to a PDZ, rather than a cumulative site-wide trigger.
- e. Provide knowledge and clarity to the Growth Borough on the LCS Development planning permission.
- f. Prepare a range of documents and plans, which supplement the planning register data.
- g. Enable the Growth Boroughs successful monitoring of planning conditions and legal obligations post transition.
- h. Enable Growth Boroughs to undertake where required successful enforcement.
- i. Enhance Growth Borough decision-making and community participation in the planning process.
- j. Streamline planning procedures and improve efficiency.
- k. Strengthen accountability and transparency.

Programme

A detailed programme will be prepared and shared with the boroughs by September 2023. Tasks and actions will include:

- LLDC to review the conclusions of the original Environmental Statement and its updates following the previous section 73 applications.
- LLDC to review how site-wide conditions and obligations (including financial payments and delivery triggers) are reimposed on a PDZ basis.
- Borough review and comment on draft work schedules – monthly updates to boroughs to commence from September 2023.
- Borough workshop at Borough location TBA to go through the main points of the LCS permission and what is programmed for submission/change November 2023
- LLDC to prepare planning red line for each section 73 application by November/December 2023.
- LCS split out decisions determination expected first quarter 2024.
- *For noting - supplemental planning register data relating to LLDC LCS Development (set out above) to be provided as per the Borough Data Transfer Plan agreement.*

Conclusion:

This protocol provides a roadmap for the smooth transition of PPDT's development management powers with respect to LLDC LCS Development to the Growth Boroughs. By following this protocol, the Growth Boroughs can maintain effective development management processes, and engage stakeholders in the decision-making process.

The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.

Agreement

Borough agreement on the protocol (dated [to be completed following Borough cabinet])

Appendix 2



Major Preapps and Applications Protocol

Planning Policy Decisions Team (PPDT) and Growth Boroughs

Introduction

This protocol outlines the objectives, principles, process and programme for managing major preapps/applications with the Boroughs, in the context of the transition of PPDT development management powers to the Boroughs, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, major planning applications and preapplications.

The aim is to maintain effective development management processes for each of the Borough areas with respect to major preapps and applications which will be submitted and considered/determined by PPDT as the Local Planning authority before September 2024, and to ensure a smooth transfer of responsibilities to the Boroughs at transition.

Task

PPDT prepared a draft protocol circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 26 April 2023, where agreement was reached on the way forward. PPDT were open to receive any further comment on the protocol until 19 May 2023, extended until 17 July 2023. **The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.**

Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to major preapps / applications until August 2024, in the context of the upcoming transfer of powers
- b. Allow effective stakeholder engagement in preapps / applications
- c. Agree a method for Borough involvement in preapps / applications
- d. Enable Boroughs to undertake, where required, continuing successful preapp / application work on cases inherited from PPDT
- e. Enhance Borough decision-making
- f. Streamline planning procedures and improve efficiency
- g. Strengthen accountability and transparency

Principles and Process

- LLDC leads on all major preapps and applications
- Commitment for PPDT and Boroughs to resource and to involvement, communication, effective and timely reviews and feedback, to ensure working together effectively in delivering Planning services
- PPDT will share a list of major preapp / application cases monthly, and discuss at regular catch-up meetings with the Boroughs, as necessary
- Pre-applicants to separately pay PPDT and Borough for preapp advice

- PPDT will copy in the Borough reps on the weekly email circulation of planning applications received, and discuss those cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list/email

PREAPPS:

- For any preapp case the Borough has an interest in, any meetings with preapplicants will involve both PPDT and the Boroughs (unless otherwise agreed between the LPAs) and will involve officer pre-meets to try and ensure a consistent message; and no individual meetings are to take place between a single LPA and the preapplicant (unless otherwise agreed between the LPAs)
- Any written preapp responses to be prepared by PPDT, with drafts and final versions shared with the Borough for joint agreement (for those cases the Borough has expressed an interest in/attended meetings)
- The agreed resolution mechanism for any fundamental differences on approach to the preapp response/advice is for PPDT to clearly set out where PPDT and the Borough differ on their views in the written response

APPLICATIONS:

- For any application the Borough has an interest in and they wish to be involved in a meeting will take place between the PPDT case officer and the Borough planner to discuss how best to achieve this
- The Boroughs will continue to be formally consulted on applications and retain the right to comment on the application in response
- Borough colleagues' comments will be taken into account in the consideration of planning applications and will be set out in officer reports
- Where there is a difference of opinion on a proposal, the LLDC Local Plan policies will prevail as the current Development Plan for the area
- Commitment to resource and to reviews to ensure working effectively
- LLDC Quality Review Panel, Built Environment Access Panel and Community Review Panel to be used for external design/community review

GENERAL:

- Boroughs may choose to brief preapps/applications to their committees
- Offer to fund retention of Pinsents Masons' legal service, Arup for environmentals and Jacobs for transport advice, for a period of up to 3 months post handback of powers to assist the Boroughs
- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests

Programme

- PPDT will share the list of on-hand preapps / applications monthly from August 2023
- PPDT will share the list of applications received weekly from August 2023
- Joint Publicity for handover of powers will include reference to planning cases
- The Statutory Instrument (SI) for the transfer of powers confirms that costs received post-transfer of powers will be picked up by the Boroughs, and costs granted by the courts, for example, following successful prosecution post-transfer, will be granted to the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

Conclusion:

This protocol provides a process for Borough involvement with respect to major preapps and applications until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

Agreement

Borough agreement on the protocol (dated *[to be completed following Borough cabinet]*)

Non-Major Applications and Preapps Protocol

Planning Policy Decisions Team (PPDT) and Growth Boroughs

Introduction

This protocol outlines the objectives, principles, process and programme for managing non-major preapps/applications with the Boroughs, in the context of the transition of PPDT development management powers to the Boroughs, and concerns such matters up to August 2024. A 'Last 3 Months Protocol' will be agreed between PPDT and the Boroughs in 2024 covering, amongst other things, non-major planning applications and preapplications.

The aim is to maintain effective development management processes for each of the Borough areas with respect to non-major preapps and applications which will be submitted and considered/determined by PPDT as the Local Planning Authority until August 2024, and to ensure a smooth transfer of responsibilities to the Boroughs at transition.

Task

PPDT prepared a draft protocol which was circulated to the Boroughs in advance of discussion at the DM Transition Working Group on 29 June 2023. It was decided, following comments from Borough colleagues at that meeting, to separate out proposals around working practices for the last 3 months – Sept to Nov 2024, and that these would be discussed in early/mid 2024, by which time the pertinent matters would be clearer. That document would have a working title of 'Last 3 Months Protocol'. The protocol for non-major applications and preapps could therefore be agreed in advance of the STS programme. PPDT were open to receive any further comment on the protocol until July 21, 2023. **The protocol was agreed by officers at the 27 July meeting, and will be adopted from August 2023.**

Protocol Objectives

- a. Provide clarity and certainty to all stakeholders that arrangements are in place to ensure 'business as usual' with regard to non-major preapps / applications until August 2024, in the context of the upcoming transfer of powers
- b. Allow effective stakeholder engagement in preapps / applications
- c. Agree a method for Borough involvement in preapps / applications
- d. Enable Boroughs to undertake, where required, continuing successful preapp / application work on cases inherited from PPDT
- e. Enhance Borough decision-making
- f. Streamline planning procedures and improve efficiency
- g. Strengthen accountability and transparency

Principles and Process

- LLDC leads on all non-major preapps and applications
- Commitment for PPDT and Boroughs to resource and to involvement, communication, effective and timely reviews and feedback, to ensure working together effectively in delivering Planning services

- PPDT will share a list of on-hand non-major preapp cases monthly with the Boroughs, and discuss at regular catch-up meetings with the Boroughs, as necessary
- Pre-applicants to separately pay PPDT and Borough for preapp advice
- PPDT will copy in the Borough reps on the weekly email circulation of planning applications received, and discuss those cases at regular catch-up meetings with the Boroughs, as necessary
- Boroughs may choose to become involved in a case of importance to them, identified from the list/email

PREAPPS:

- For any preapp case the Borough has an interest in, any meetings with preapplicants will involve both PPDT and the Boroughs (unless otherwise agreed between the LPAs) and will involve officer pre-meets to try and ensure a consistent message; and no individual meetings are to take place between a single LPA and the preapplicant (unless otherwise agreed between the LPAs)
- Any written preapp responses to be prepared by PPDT, with drafts and final versions shared with the Borough for joint agreement (for those cases the Borough has expressed an interest in/attended meetings)
- The agreed resolution mechanism for any fundamental differences on approach to the preapp response/advice is for PPDT to clearly set out where PPDT and the Borough differ on their views in the written response

APPLICATIONS:

- For any application the Borough has an interest in and they wish to be involved in a meeting will take place between the PPDT case officer and the Borough planner to discuss how best to achieve this
- The Boroughs will continue to be formally consulted on applications and retain the right to comment on the application in response
- Borough colleagues' comments will be taken into account in the consideration of planning applications and will be set out in officer reports
- Where there is a difference of opinion on a proposal, the LLDC Local Plan policies will prevail as the current Development Plan for the area
- LLDC Quality Review Panel, Built Environment Access Panel and Community Review Panel to be used for external design/community review

GENERAL:

- Boroughs may choose to brief preapps/applications to their committees
- Offer to fund retention of Pinsents Masons' legal service, Arup for environmentals and Jacobs for transport advice, for a period of up to 3 months post handback of powers to assist the Boroughs
- Boroughs use of LLDC consultants will need to be organised via direct award by the boroughs, with boroughs managing the contracts; Boroughs to send funding requests

Programme

- PPDT will share the list of on-hand preapps monthly from August 2023
- PPDT will share the list of applications received weekly from August 2023
- Joint Publicity for handover of powers will include reference to planning cases
- The Statutory Instrument (SI) for the transfer of powers confirms that incoming fees and costs received post-transfer of powers will be by the Boroughs. The scope of the SI has been agreed with DLUHC in April 2023. This is also consistent with the LLDC Planning Functions Order and the transitional arrangements set out in that SI

Conclusion:

This protocol provides a process for Borough involvement with respect to non-major preapps and applications until August 2024, towards a smooth transition/handback of PPDT's development management powers. By following this protocol, clarity and certainty can be provided to all stakeholders that effective arrangements are in place to provide advice and to make decisions.

Agreement

Borough agreement on the protocol (dated *[to be completed following Borough cabinet]*)