

GREATER **LONDON** AUTHORITY

REQUEST FOR ASSISTANT DIRECTOR DECISION – ADD2354

Title: Expert Legal Advice on S106 agreement and related legal documents

Executive Summary:

This decision seeks approval of expenditure for expert legal advice regarding affordable housing obligations in the draft Section 106 agreement and related legal documents in relation to the proposed development at Stratford Waterfront.

Decision:

That the Assistant Director of Planning approves:

Expenditure of up to £25,000 to appoint Ashurst for expert legal advice regarding the S106 agreement and related legal documents in relation to the proposed development at Stratford Waterfront. This work has been commissioned through TfL Legal.

AUTHORISING ASSISTANT DIRECTOR/HEAD OF UNIT:

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: Juliemma McLoughlin

Position: Assistant Director of Planning

Signature:



Date: 15-7-19

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1 Policy H5 of the draft London Plan sets out a strategic target that 50 per cent of new homes in London should be affordable. One of the measures within the plan for achieving this is the delivery of 50 per cent affordable housing on public land. Under policy H6 of the Draft London Plan and the Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG), where a public sector body has committed to providing 50 per cent affordable housing across a portfolio of sites, individual sites providing 35% affordable housing can be considered under the Fast Track Route.
- 1.2 As part of the planning application for the redevelopment of the site, the London Legacy Development Corporation set out an intention to achieve 50 per cent affordable housing across a portfolio of sites, to include Stratford Waterfront, Pudding Mill Lane and Rick Roberts Way. The principle of this approach was agreed subject to adequate measures being put in place to secure the requirement set out in the Draft London Plan and SPG.

2. Objectives and expected outcomes

- 2.1 To assist in implementing the 'portfolio approach' for the Stratford Waterfront application and associated portfolio sites, TfL Legal appointed Ashurst to provide expert legal advice in relation to the S106 agreement, unilateral undertakings and other legal documents relevant to the planning application. Ashurst are on a competitively procured legal panel and were appointed in view of their previous experience in drafting s106 clauses for the GLA. The objective of the work is to ensure that the legal agreements are consistent with the approach and criteria set out in the Draft London Plan and SPG. This work includes attendance at meetings as required.

3. Equality comments

- 3.1 The outcome of this work will ensure that the Mayor's policies regarding the delivery of affordable housing are implemented effectively and that affordable housing is secured across the portfolio of sites. This will have a positive impact on a number of groups with protected characteristics who are more likely to live in affordable housing. Consequently, there are no equality issues relating to the appointment made to undertake this work.

4. Other considerations

- 4.1 The work referred to in this decision is necessary to ensure the effective implementation of the portfolio approach on public land within the Draft London Plan and Affordable Housing and Viability SPG. Failure to achieve necessary measures to secure the portfolio approach within the relevant legal agreements for the application would put the delivery of Mayor's policies and the objective of maximising affordable housing provision at risk. This is however mitigated by taking expert legal advice regarding the obligations secured within the S106 agreement and associated documents.

5. Financial comments

- 5.1 Approval is sought for legal costs of up to £25,000 in relation to the proposed development at Stratford Waterfront, of which £22,500 will be funded from the Authority's Planning Unit's Development Management Budget for 2019-20. The remaining costs of £2,500 will be funded by the LLDC.

6. Planned delivery approach and next steps

| Activity | Timeline |
|---|---------------------|
| Seeking Decision Approval By | July 2019 |
| Final evaluation start and finish (self): | 29 July to 1 August |
| Delivery End Date | 1 August 2019 |
| Project Closure: | 1 August 2019 |

Appendices and supporting papers:

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:**Drafting officer:**

John Wachter has drafted this report in accordance with GLA procedures and confirms that the Finance and –if relevant- Legal teams have commented on this proposal as required, and this decision reflects their comments.

Corporate Investment Board:

The Corporate Investment Board reviewed this proposal on 15 July 2019.

ASSISTANT DIRECTOR OF FINANCE AND GOVERNANCE:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature:



Date:

15.07.19