
STATUTORY INSTRUMENTS

2012 No. 2167

URBAN DEVELOPMENT

**The London Legacy Development
Corporation (Planning Functions) Order 2012**

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| <i>Made</i> | - - - - | <i>20th August 2012</i> |
| <i>Laid before Parliament</i> | | <i>28th August 2012</i> |
| <i>Coming into force</i> | - - | <i>1st October 2012</i> |

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 149(1), (3), (11) and (13) of the Local Government, Planning and Land Act 1980⁽¹⁾ and sections 198(2)(c) and 235(2)(b) of the Localism Act 2011⁽²⁾ makes the following Order.

The Mayor of London has notified the Secretary of State of the functions in relation to town and country planning which he has decided the London Legacy Development Corporation is to have pursuant to section 202(8)(b) of the Localism Act 2011.

Citation and commencement

1. This Order may be cited as the London Legacy Development Corporation (Planning Functions) Order 2012 and shall come into force on 1st October 2012.

Interpretation

2. In this Order—

“the 1980 Act” means the Local Government, Planning and Land Act 1980;

“the 1990 Act” means the Town and Country Planning Act 1990⁽³⁾;

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004⁽⁴⁾;

“area application” means an application for the designation of a neighbourhood development area made under section 61G of the 1990 Act⁽⁵⁾;

(1) 1980 c.65; section 149 applies in relation to the Olympic Delivery Authority by virtue of section 5(1)(a) of the London Olympic Games and Paralympic Games Act 2006 (c.12) and is modified by section 5(2) and (3)(a) of that Act. Section 149 has been amended by sections 3 and 4 and Schedule 1 to, and paragraph 44(6) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11). There are other amendments not relevant to this Order. See also section 7 of the 1990 Act (c.8).

(2) 2011 c.20 (“the 2011 Act”).

(3) 1990 c.8.

(4) 2004 c.5.

(5) Section 61G was inserted by section 116(1) of, and paragraphs 1 and 2 of Part 1 of Schedule 9 to, the 2011 Act.

“borough planning authority” means a council of a London Borough which ceases, by virtue of section 7A(2) of the 1990 Act(6) and article 3 of this Order, to be the local planning authority for a part of the development area;

“commencement date” means 1st October 2012;

“the development area” means the area of land described as a Mayoral development area, and in relation to which a Mayoral development corporation is established, by the London Legacy Development Corporation (Establishment) Order 2012(7);

“development plan document” means a document plan document for the purposes of section 37(3) of the 2004 Act(8);

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(9);

“the LLDC” means the body corporate known as the London Legacy Development Corporation established by article 3 of the London Legacy Development Corporation (Establishment) Order 2012;

“local development order” means a local development order within the meaning of Part 3 of the 1990 Act;

“the LTGDC” means the body corporate known as the London Thames Gateway Development Corporation established by article 3 of the London Thames Gateway Development Corporation (Area and Constitution) Order 2004(10);

“neighbourhood development order” means a neighbourhood development order for the purposes of section 61E of the 1990 Act(11);

“neighbourhood development plan” means a neighbourhood development plan for the purposes of section 38A(2) of the 2004 Act(12);

“neighbourhood development plan proposal” means a proposal for a neighbourhood development plan submitted by a qualifying body(13) under paragraph 1 of Schedule 4B to the 1990 Act (as applied, with modifications, by section 38A of the 2004 Act(14));

“neighbourhood forum application” means an application for designation of a neighbourhood forum made by an organisation or body under section 61F of the 1990 Act(15);

“the ODA” means the body corporate known as the Olympic Delivery Authority established by section 3 of the London Olympic Games and Paralympic Games Act 2006(16);

“order proposal” means a proposal for a neighbourhood development order submitted by a qualifying body(17) under paragraph 1 of Schedule 4B to the 1990 Act or community right to build order submitted by a community organisation(18) under paragraph 1 of Schedule 4B to the 1990 Act, as read with paragraph 2 of Schedule 4C to the 1990 Act(19);

(6) Section 7A was inserted by section 222 of, and paragraphs 30 and 32 of Schedule 22 to, the 2011 Act.

(7) S.I. 2012/310.

(8) Section 37(3) was substituted by section 180(1) and (6)(b) of the Planning Act 2008 (c.29).

(9) 1990 c.9.

(10) S.I. 2004/1642.

(11) Section 61E was inserted by section 116(1) of, and paragraphs 1 and 2 of Part 1 of Schedule 9 to, the 2011 Act.

(12) Section 38A was inserted by section 116(1) of, and paragraphs 5 and 7 of Part 2 of Schedule 9 to, the 2011 Act.

(13) For the purposes of neighbourhood development plans the definition of “qualifying body” is in section 38A(12) of the 2004 Act (as inserted by section 116 of, and paragraph 7 of Part 2 of Schedule 9 to, the 2011 Act).

(14) Schedule 4B was inserted by section 116(2) of, and Schedule 10 to, the 2011 Act.

(15) Section 61F was inserted by section 116(1) of, and paragraphs 1 and 2 of Part 1 of Schedule 9 to, the 2011 Act.

(16) 2006 c.12.

(17) For the purposes of neighbourhood development orders, the definition of “qualifying body” is in section 61E(6) of the 1990 Act (inserted by paragraph 2 of Schedule 9 to the 2011 Act). A “community organisation” is to be regarded as a qualifying body (see paragraph 4(2) of Schedule 4C to the 1990 Act) (as inserted by Schedule 11 to the 2011 Act).

(18) The definition of “community organisation” is in paragraph 3 of Schedule 4C to the 1990 Act.

(19) Schedule 4C was inserted by section 116(3) of, and Schedule 11 to, the 2011 Act.

“planning document” means any notice, certificate, publicity, consultation or other document pertaining to the exercise of functions under the 1990 Act, the 2004 Act, the Listed Buildings Act or any order or regulation having effect under those Acts.

“supplementary planning document” has the same meaning as regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012⁽²⁰⁾;

“the Tree Preservation Regulations” means the Town and Country Planning (Tree Preservation) (England) Regulations 2012⁽²¹⁾; and

“urban development corporation” means an urban development corporation established under Part 16 of the 1980 Act⁽²²⁾.

Planning functions of the London Legacy Development Corporation

3. Subject to articles 9 and 10 the LLDC shall be the local planning authority for the development area for the purposes of—

- (a) Part 3 of the 1990 Act; and
- (b) Parts 2 and 3 of the 2004 Act.

Additional functions conferred on the London Legacy Development Corporation

4. In relation to the development area the LLDC shall have the functions conferred by the provisions of the 1990 Act and the Listed Buildings Act specified in Part 1 of Schedule 29 to the 1980 Act⁽²³⁾.

5. In relation to the development area the LLDC shall have the functions conferred by Schedule 8 to the Electricity Act 1989⁽²⁴⁾ so far as applying to applications for consent under section 37 of that Act⁽²⁵⁾.

Modification of references to urban development corporations

6.—(1) For the purpose of exercising functions transferred by this Order, any reference in a statutory instrument to an urban development corporation shall, so far as is required for giving effect to the enactment, be construed as including a reference to the LLDC.

(2) In paragraph (1) “statutory instrument” means any statutory instrument to which the Statutory Instruments Act 1946⁽²⁶⁾ applies (whenever the instrument is passed or made).

(3) In particular, for the purposes of exercising functions transferred by this Order regulation 9AA of the Town and Country Planning General Regulations 1992⁽²⁷⁾ shall, so far as is required for giving effect to that regulation, be read as if the reference to an urban development corporation includes a reference to the LLDC.

⁽²⁰⁾ S.I. 2012/767.

⁽²¹⁾ S.I. 2012/605.

⁽²²⁾ 1980 c.65.

⁽²³⁾ Part 1 of Schedule 29 was amended by paragraph 44(12) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11), and by paragraph 17 of Schedule 3 to, and paragraph 5 of Schedule 7 to the Planning (Consequential Provisions) Act 1991 (c.34).

⁽²⁴⁾ 1989 c.29. Schedule 8 was amended by section 4 of, and paragraph 83(1) of Schedule 2 to, the 1990 Act. Other amendments have been made to Schedule 8 not relevant to this Order.

⁽²⁵⁾ Amendments have been made to section 37 not relevant to this Order.

⁽²⁶⁾ 1946 c.36.

⁽²⁷⁾ S.I. 1992/1492. Paragraph 9AA was inserted by regulation 2 of the Town and Country Planning General (Amendment) (England) Regulations 1992 (S.I. 2011/1589).

Modification of the 1990 Act and the Listed Buildings Act

7. The provisions of the 1990 Act and the Listed Buildings Act specified in Part 2 of Schedule 29 to the 1980 Act⁽²⁸⁾ shall have effect in relation to the LLDC and to the development area with the modifications specified in that Part.

Revocation of the planning functions of the LTGDC and ODA

8. The following Orders are revoked—
- (a) the London Thames Gateway Development Corporation (Planning Functions) Order 2005⁽²⁹⁾;
 - (b) the Olympic Delivery Authority (Planning Functions) Order 2006⁽³⁰⁾;
 - (c) the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2006⁽³¹⁾; and
 - (d) the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2011⁽³²⁾.

Transitional provisions

9. Schedule 1 makes transitional provision in relation to functions exercised by borough planning authorities prior to the commencement date.

10. Schedule 2 makes transitional provision in relation to the revocation of the planning functions of the ODA and the LTGDC.

Signed on behalf of the Secretary of State for Communities and Local Government.

Andrew Stunell
Parliamentary Under Secretary of State
Department for Communities and Local
Government

20th August 2012

⁽²⁸⁾ Part 2 of Schedule 29 was amended by paragraph 44(13) of Schedule 2 to the Planning (Consequential Provisions) Act 1990.

⁽²⁹⁾ [S.I. 2005/272](#), amended by [S.I. 2011/549](#).

⁽³⁰⁾ [S.I. 2006/2185](#).

⁽³¹⁾ [S.I. 2006/2186](#).

⁽³²⁾ [S.I. 2011/549](#).

SCHEDULES

SCHEDULE 1

Article 9

Transitional provisions relation to planning functions exercised by borough planning authorities prior to the commencement date

Transitional provisions in connection with planning functions

1.—(1) Subject to paragraphs 2 to 9 of this Schedule, this paragraph applies as respects any functions which are transferred to the LLDC by virtue of this Order and in respect of which a borough planning authority ceases to be the local planning authority responsible for exercising those functions.

(2) Anything which before the commencement date was in the process of being done by, to or in relation to the borough planning authority in connection with any of the functions mentioned in paragraph (1) may be continued after that date by, to or in relation to the LLDC and, if continued, shall be treated as having been done by, to or in relation to the LLDC.

(3) Nothing in paragraph (2) requires the LLDC to continue with any step mentioned in that paragraph.

Transitional arrangements: planning applications

2.—(1) This paragraph applies as respects any application for planning permission or for a consent, approval or determination under the 1990 Act, or the Listed Buildings Act, or under any order or regulation made or having effect under those Acts which—

- (a) relates in whole or in part to land in the development area;
- (b) was made before the commencement date to a borough planning authority; and
- (c) has not been determined by that date.

(2) The borough planning authority must transmit any application referred to in paragraph (1) to the LLDC for determination.

(3) Where the borough planning authority transmits an application to the LLDC for determination, the borough planning authority shall notify the applicant that the LLDC is to be the local planning authority for the application.

(4) Where the borough planning authority transmits an application to the LLDC for determination, the application shall be accompanied by a copy of any representations received by the borough planning authority concerning the application.

(5) Where any planning document has been, or is in the process of being, issued by the borough planning authority in relation to an application before the day on which it is transmitted to the LLDC, no further planning document shall be required to be issued by the LLDC solely because the application has been transmitted.

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Transitional provision: planning appeals

3. Where an appeal is made to the Secretary of State under section 78(33) of the 1990 Act or section 20 of the Listed Buildings Act(34) in respect of a decision or determination made in relation to land in the development area by a borough planning authority, that borough planning authority shall—

- (a) continue to be the local planning authority for the purposes of the appeal; and
- (b) notify the LLDC of the appeal and transmit to the Secretary of State any representation received from the LLDC.

Transitional provision: compensation in connection with planning functions

4.—(1) Where a right to compensation arises under section 107, 108, 115, 186, 203 or 204 (35) of the 1990 Act, section 28 or 29 of the Listed Buildings Act or regulation 24 of the Tree Preservation Regulations in consequence of action taken in relation to land within the development area by a borough planning authority, the liability to pay compensation shall rest with the borough planning authority.

(2) Where—

- (a) the Secretary of State makes a determination—
 - (i) of an appeal against action taken by a borough planning authority as is mentioned in paragraph (1); or
 - (ii) on a reference made to the Secretary of State by such an authority; and
- (b) that determination gives rise to a right to compensation,

that borough planning authority shall be liable to pay compensation.

(3) Where, on or after the commencement date, the Secretary of State makes an order or serves a notice, as the case may be, under section 100, 104, 185 or 202 of, or paragraph 11 of Schedule 9 to, the 1990 Act(36) in respect of a matter arising before that date, which relates to land within the development area, the borough planning authority which was the local planning authority in relation to that land when the matter arose shall be liable to pay any compensation arising from the order or notice.

Transitional provision: section 106 planning obligations

5. Where before the commencement date a planning obligation entered into by agreement or otherwise under section 106 of the 1990 Act(37) in relation to land in the development area which identifies a borough planning authority as the local planning authority by whom the obligation is enforceable shall be enforceable by the LLDC.

(33) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c.34) (“the 1991 Act”), section 43(2) of the 2004 Act, sections 196 and 197 of, and paragraphs 1 and 3 of Schedule 10 and paragraphs 1 and 2 of Schedule 11 to, the Planning Act 2008 (c.29) (“the 2008 Act”) and by sections 121 and 123, and paragraphs 1 and 11 of Schedule 12 to, the 2011 Act.

(34) Section 20 was amended by sections 43(4)(a) and 43(4)(b) of the 2004 Act and prospectively amended, by a date to be appointed, by section 196(4) of, and paragraphs 15 and 17 of Schedule 10 to, the 2008 Act.

(35) Section 107 was amended by sections 21 and 31 of, and paragraph 8 of Schedule 1 to and paragraph 13 of Schedule 6 to, the 1991 Act; section 108 was amended by section 13(4) of that Act, sections 40 and 118 of the 2004 Act, section 189 of the 2008 Act and section 121 of, and Schedule 12 to the 2011 Act; sections 203 and 204 were repealed by sections 192 and 238 of, and Schedule 13 to, the 2008 Act. Regulation 26 of the Tree Preservation Regulations makes transitional provision in respect of these sections.

(36) Section 100 was amended by section 21 of, and paragraph 5 of Schedule 1 to, the 1991 Act and section 202 was amended by sections 192 and 238 of, and paragraphs 7 and 10 of Schedule 8 to, and Schedule 13 to the 2008 Act.

(37) Section 106 was substituted by section 12 of the 1991 Act, section 33 of the Greater London Authority Act 2007 (c.24) (“the 2007 Act”) and section 174 of the 2008 Act.

Transitional provision: development plan documents and supplementary planning documents

6.—(1) Any development plan document or supplementary planning document (“the document”) adopted or made by a borough planning authority under section 23 of the 2004 Act⁽³⁸⁾ before the commencement date shall have effect on and after that date as if it had been adopted—

- (a) in relation to such of the development area as corresponds to the area, or part of the area, to which that document relates, by the LLDC; and
- (b) in relation to such of its area outside the development area as corresponds to the area, or part of the area, to which the document relates, by the borough planning authority.

(2) Nothing in paragraph (1) affects any power of the LLDC or the borough planning authority to request that a development plan document to which paragraph (1) relates is revoked.

(3) Where before the commencement date a borough planning authority has taken or started any step in relation to the preparation of a development plan document or supplementary planning document (“the draft document”) pursuant to sections 19, 20 or 26 of the 2004 Act⁽³⁹⁾ or under any order or regulation made or having effect under that Act, paragraph (4) shall apply.

(4) Any step mentioned in paragraph (3) shall be treated on and after the commencement date as a step taken or started—

- (a) in relation to such of the development area as corresponds to the area, or part of the area, to which the draft document relates, by the LLDC; and
- (b) in relation to such of its area outside of the development area as corresponds to the area, or part of the area, to which the draft document relates, by the borough planning authority.

(5) Where paragraph 4(a) applies to a draft document the borough planning authority must send a copy of any representations received concerning the draft document to the LLDC.

(6) Where any planning document has been, or is in the process of being, issued by the borough planning authority in relation to a draft document referred to in paragraph (3) before the commencement date, no further planning document shall be required to be issued by the LLDC solely as a result of the transfer of functions to the LLDC by this Order.

(7) Where a draft document referred to in paragraph (3) which is a development plan document has been submitted for examination under section 20 of the 2004 Act⁽⁴⁰⁾ before the commencement date and the person appointed to carry out that examination has not at that date made their recommendations—

- (a) nothing in this Order shall prevent that person from deciding that the document complies with the matters set out in section 20(5) of that Act; and
- (b) that person must send their recommendations when made to both the LLDC and the borough planning authority.

Transitional provision: local development orders

7.—(1) Any local development order adopted by a borough planning authority under section 61A of the 1990 Act⁽⁴¹⁾ before the commencement date shall have effect on and after that date as if it had been made—

⁽³⁸⁾ Section 23 was amended by section 112 of the 2011 Act.

⁽³⁹⁾ Section 19 was amended by section 7 of the Sustainable Communities Act 2007 (c.23), sections 180 and 182 of the 2008 Act, and section 85 of, and paragraphs 12 and 14 of Schedule 5 to, the Local Democracy, Economic Development and Construction Act 2009 (c.20).

⁽⁴⁰⁾ Section 20 has been amended by sections 110 and 112 of the 2011 Act.

⁽⁴¹⁾ Section 61A was inserted by section 40 of the 2004 Act, and amended by sections 188 and 238 of, and Schedule 13 to, the 2008 Act.

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- (a) in relation to such of the development area as corresponds to the area, or part of the area, to which that local development order relates, by the LLDC; and
- (b) in relation to such of its area outside of the development area as corresponds to the area, or part of the area, to which that local development order relates, by the borough planning authority.

(2) Nothing in paragraph (1) affects any power of the Secretary of State, the LLDC or the borough planning authorities to revoke a document to which paragraph (1) relates.

(3) Where before the commencement date a borough planning authority has taken or started any step in relation to the preparation of a local development order (“the draft order”) pursuant to article 34(1)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2010(42), paragraph (4) shall apply.

(4) Any step mentioned in paragraph (3) shall be treated on and after the commencement date as a step taken—

- (a) in relation to such of the development area as corresponds to the area, or part of the area, to which the draft order relates, by the LLDC; and
- (b) in relation to such of its area outside of the development area as corresponds to the area, or part of the area, to which the draft order relates, by the borough planning authority.

(5) Where paragraph 4(a) applies to a draft order the borough planning authority must send a copy of any representations received concerning that draft order to the LLDC.

(6) Where any planning document has been, or is in the process of being, issued by the borough planning authority in relation to the draft order referred to in paragraph (3) before the commencement date, no further planning document shall be required to be issued by the LLDC solely as a result of the transfer of functions to the LLDC by this Order.

Transitional provision: neighbourhood planning

8.—(1) This paragraph applies as respects any area application, neighbourhood forum application, neighbourhood development plan proposal or order proposal which—

- (a) relates in whole or in part to land in the development area;
- (b) was made before the commencement date to a borough planning authority; and
- (c) has not been determined by that date.

(2) The application or proposal referred to in paragraph (1) shall be treated as if it had been made—

- (a) in relation to such of the development area as corresponds to the area, or part of the area, to which that document relates, to the LLDC; and
- (b) in relation to such of its area outside of the development area as corresponds to the area, or part of the area, to which the document relates, to the borough planning authority.

(3) The borough planning authority must transmit any application or proposal referred to in paragraph (1) to the LLDC for determination.

9.—(1) Any step taken or started before the commencement date by a borough planning authority in relation to an area application, neighbourhood forum application, neighbourhood development plan proposal or order proposal transmitted to the LLDC under paragraph 8(3) shall be treated on and after that date as a step taken or started—

- (a) in relation to the development area, or part of the development area, as corresponds to the area, or part of the area, to which that document relates, by the LLDC; and

(42) [S.I. 2010/2184](#), amended by [S.I. 2011/1824](#) and [S.I. 2012/636](#).

(b) in relation to such of its area outside of the development area as corresponds to the area, or part of the area, to which the document relates, by the borough planning authority.

(2) Where the borough planning authority transmits an area application, neighbourhood forum application, neighbourhood development plan proposal or order proposal to the LLDC for determination under paragraph 8(3), the application shall be accompanied by a copy of any representations received by the borough planning authority concerning the application or proposal.

(3) Where any planning document has been, or is in the process of being, issued by the borough planning authority in relation to an area application, neighbourhood forum application, neighbourhood development plan proposal or order proposal before the day on which it is transmitted to the LLDC under paragraph 8(3), no further planning document shall be required to be issued by the LLDC solely because the application or proposal has been transmitted.

(4) Where a neighbourhood development plan proposal or order proposal transmitted to the LLDC under paragraph 8(3) has been submitted for examination under paragraph 7 of Schedule 4B to the 1990 Act (as applied, with modifications, by section 38A of the 2004 Act⁽⁴³⁾) before the commencement date and the person appointed to carry out that examination has not at that date made their recommendations—

- (a) nothing in this Order shall prevent that person from deciding that the document meets the requirements set out in paragraph 8 of that Schedule; and
- (b) that person must send their recommendations to both the LLDC and the borough planning authority.

SCHEDULE 2

Article 10

Transitional provisions relating to the revocation of the planning functions of the London Thames Gateway Development Corporation and the Olympic Delivery Authority

Interpretation

1. In this Schedule—

“previous authority” means—

- (a) the LTGDC; or
- (b) the ODA,

as the case may be.

“successor authority” means—

- (a) in relation to land in the development area, the LLDC; and
- (b) in relation to land outside the development area, the council of a London borough which becomes, by virtue of section 1(2) of the 1990 Act⁽⁴⁴⁾ and article 8 of this Order, the local planning authority in respect of functions exercised before the commencement date by the previous authority.

⁽⁴³⁾ Section 38A was inserted into the 2004 Act by section 116 of, and paragraph 7 of Part 2 of Schedule 9 to, the 2011 Act.

⁽⁴⁴⁾ Subsection 1(2) was amended by section 31(1) of the 2007 Act.

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Transitional provisions in connection with planning functions

2.—(1) Subject to paragraphs 3 to 9 of this Schedule this paragraph applies as respects any functions in relation to which the previous authority ceases on the commencement date to be the local planning authority by virtue of this Order and sections 1(2) or 7A(2) of the 1990 Act.

(2) Anything which before the commencement date was in the process of being done by, to or in relation to the previous authority in connection with any of the functions mentioned in paragraph (1) above may be continued after that date by, to or in relation to the successor authority and, if continued, shall be treated as having been done by, to or in relation to the successor authority.

(3) Nothing in paragraph (2) requires the successor authority to continue with any step mentioned in that paragraph.

Transitional arrangements: planning applications

3.—(1) This article applies as respects any application for planning permission or for a consent, approval or determination under the 1990 Act, or the Listed Buildings Act, or under any order or regulation made or having effect under those Acts which—

- (a) was made before the commencement date to the previous authority; and
- (b) has not been determined by that date.

(2) The previous authority must transmit any application referred to in paragraph (1) to the successor authority for determination.

(3) Where the previous authority transmits an application to the successor authority for determination, the previous authority shall notify the applicant that the successor authority is the local planning authority for the application.

(4) Where the previous authority transmits an application to the successor authority for determination, the application shall be accompanied by a copy of any representations received by the previous authority concerning the application.

(5) Where any planning document has been, or is in the process of being, issued by the previous authority in relation to an application before the day on which it is transmitted to the successor authority, no further planning document shall be required to be issued by the successor authority solely because the application has been transmitted.

Transitional provision: planning appeals

4. Where an appeal is made to the Secretary of State under section 78 of the 1990 Act or section 20 of the Listed Buildings Act in respect of a decision or determination made before the commencement date by the previous authority, the successor authority shall be the local planning authority for the purposes of the appeal.

Transitional provision: compensation in connection with planning functions

5.—(1) Where a right to compensation arises under section 107, 108, 115, 186, 203 or 204 of the 1990 Act, section 28 or 29 of the Listed Buildings Act or regulation 24 of the Tree Preservation Regulations in consequence of action taken by the previous authority, the liability to pay compensation shall rest with the successor authority.

(2) Where—

- (a) the Secretary of State makes a determination—
 - (i) of an appeal against action taken by the previous authority as is mentioned in paragraph (1); or
 - (ii) on a reference made to the Secretary of State by the previous authority; and

(b) that determination gives rise to a right to compensation, the successor authority shall be liable to pay the compensation.

(3) Where, on or after the commencement date, the Secretary of State makes an order or serves a notice, as the case may be, under section 100, 104, 185 or 202 of, or paragraph 11 of Schedule 9 to, the 1990 Act in respect of a matter arising before that date, which relates to land in which the previous authority exercised planning functions prior to the commencement date, the successor authority in respect of that land shall be liable to pay any compensation arising from the order or notice.

Transitional provision: section 106 planning obligations

6. Where before the commencement date a planning obligation entered into by agreement or otherwise under section 106 of the 1990 Act identifies the previous authority as the local planning authority by whom the obligation is enforceable shall be enforceable by the successor authority.

Transitional provision: local development orders

7.—(1) Any local development order adopted by the previous authority under section 61A of the 1990 Act⁽⁴⁵⁾ before the commencement date shall have effect on and after that date as if it had been made by the successor authority.

(2) Nothing in paragraph (1) affects any power of the Secretary of State or the successor authority to revoke a document to which paragraph (1) relates.

(3) Where before the commencement date the previous authority has taken or started any step in relation to the preparation of a local development order (“the draft order”) pursuant to article 34(1)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2010⁽⁴⁶⁾, that step shall be treated on and after the commencement date as a step taken by the successor authority.

(4) Where paragraph (3) applies to a draft order the previous authority must send a copy of any representations received concerning that draft order to the successor authority.

(5) Where any planning document has been, or is in the process of being, issued by the previous authority in relation to the draft order referred to in paragraph (3) before the commencement date, no further planning document shall be required to be issued by the successor authority solely as a result of this Order.

Transitional provision: neighbourhood planning

8.—(1) This paragraph applies as respects any area application, neighbourhood forum application or order proposal which—

- (a) was made before the commencement date to the previous authority; and
- (b) has not been determined by the commencement date.

(2) The application or proposal referred to in paragraph (1) shall be treated as if it had been made to the successor authority.

(3) The previous authority must transmit any application or proposal referred to in paragraph (1) to the successor authority for determination.

9.—(1) Any step taken or started before the commencement date by the previous authority in relation to an area application, neighbourhood forum application or order proposal transmitted to

⁽⁴⁵⁾ Section 61A was inserted by section 40 of the 2004 Act, and amended by sections 188 and 238 of, and Schedule 13 to, the 2008 Act.

⁽⁴⁶⁾ [S.I. 2010/2184](#), amended by [S.I. 2011/1824](#) and [S.I. 2012/636](#).

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the successor authority under paragraph 8(3) shall be treated on and after that date as a step taken or started by the successor authority.

(2) Where the previous authority transmits an area application, neighbourhood forum application or order proposal to the successor authority for determination under paragraph 8(3), the application shall be accompanied by a copy of any representations received by the previous authority concerning the application or proposal.

(3) Where any planning document has been, or is in the process of being, issued by the previous authority in relation to an area application, neighbourhood forum application or order proposal before the day on which it is transmitted under paragraph 8(3) to the successor authority, no further planning document shall be required to be issued by the successor authority solely because the application or proposal has been transmitted.

(4) Where an order proposal transmitted to the successor authority under paragraph 8(3) has been submitted for examination under paragraph 7 of Schedule 4B to the 1990 Act before the commencement date and the person appointed to carry out that examination has not at that date made their recommendations—

- (a) nothing in this Order shall prevent that person from deciding that the document meets the requirements set out in paragraph 8 of that Schedule; and
- (b) that person must send their recommendations to both the successor authority and the previous authority.

EXPLANATORY NOTE

(This note is not part of the Order)

The London Legacy Development Corporation (“the LLDC”) was established by the London Legacy Development Corporation (Establishment) Order 2012 (S.I. 2012/310) for the purpose of regenerating the Olympic Park and surrounding areas.

This Order makes the LLDC the local planning authority for the whole of its area (“the planning functions area”) in relation to all types of development for the purposes of Part 3 of the Town and Country Planning Act 1990 (“the 1990 Act”) (Article 3). It confers on the LLDC the functions of the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990 which are specified in Part 1 of Schedule 29 to the Local Government, Planning and Land Act 1980 (“the 1980 Act”) (Article 4). It also confers on the LLDC the functions of Schedule 8 to the Electricity Act 1989 so far as applicable to applications for consent under section 37 of that Act (Article 5).

The Order applies other provisions of the 1990 Acts specified in Part 2 of Schedule 29 to the 1980 Act to the LLDC and to the planning functions area, subject to the modifications set out in that Part (Article 7).

Article 8 of this Order revokes the following orders—

- (a) the London Thames Gateway Development Corporation (Planning Functions) Order 2005;
- (b) the Olympic Delivery Authority (Planning Functions) Order 2006;
- (c) the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2006; and

(d) the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2011.

The effect of revoking the Orders is that the London Thames Gateway Development Corporation (LTGDC) and the Olympic Delivery Authority (ODA) cease to be the local planning authorities, in relation to the types of development and for the purposes specified in those Orders, for their areas. The planning functions concerned will be exercised, in the planning functions area, by the LLDC. Outside of the planning functions area the planning functions concerned will revert to the councils of London Boroughs (“borough councils”) which, but for these Orders, would be the local planning authorities.

Schedule 1 of the Order makes transitional provision in relation to functions exercised prior to the date on which this Order comes into force by borough councils which will be exercised after that date by the LLDC. Provision is made for the transfer of planning functions and planning applications from the borough council to the LLDC, the payment of compensation, planning obligations, local plan making, local development orders and neighbourhood planning.

Schedule 2 of the Order makes transitional provision in relation to functions exercised prior to the date on which this Order comes into force by the LTGDC and the ODA which will be exercised after that date in the development area by the LLDC and outside the development area by a borough council. Provision is made for the transfer of planning functions and planning applications from the LTGDC and the ODA to those authorities, the payment of compensation, planning obligations, local development orders and neighbourhood planning.

An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.