

## SCHEDULES

### 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<sup>(1)</sup> and article 8 of this Order, the local planning authority in respect of functions exercised before the commencement date by the previous authority.

#### **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.

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

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(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<sup>(2)</sup> before the commencement date shall have effect on and after that date as if it had been made by the successor authority.

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(2) 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.

(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(3), 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 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.

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