

2006 No. 2185

URBAN DEVELOPMENT

**The Olympic Delivery Authority (Planning Functions) Order
2006**

<i>Made</i> - - - -	<i>9th August 2006</i>
<i>Laid before Parliament</i>	<i>16th August 2006</i>
<i>Coming into force</i> - -	<i>7th September 2006</i>

The Secretary of State, in exercise of the powers conferred by section 149(1), (3), (11) and (13) of the Local Government, Planning and Land Act 1980(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Olympic Delivery Authority (Planning Functions) Order 2006 and shall come into force on 7th September 2006.

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(b);

“the development area” means the area specified in article 3 of this Order;

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

“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(d).

Development Area

3.—(1) The area shown on the map (and known as the Olympic Park) reference Olympic Delivery Authority Boundary, bounded externally by a black line and edged internally by a stippled band is specified for the purposes of this Order.

(2) In paragraph (1) “the map” means the map entitled “Map referred to in the Olympic Delivery Authority (Planning Functions) Order 2006” of which prints signed by a Director in the Department for Communities and Local Government, are deposited and available for inspection at

(a) 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).

(b) 1990 c. 8.
(c) 1990 c. 9.
(d) 2006 c. 12.

the offices of the Secretary of State for Communities and Local Government, the offices of the Olympic Delivery Authority, and the Council offices of the London Boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest.

Planning functions of the Olympic Delivery Authority

4. Subject to articles 7 and 8 the ODA shall be the local planning authority for the development area for the purposes of Part 3 of the 1990 Act in relation to all kinds of development.

Additional functions conferred on the Olympic Delivery Authority

5. The ODA shall have in the whole of the development area the functions conferred by all of the provisions of the 1990 Act and the Listed Building Act specified in Part 1 of Schedule 29 to the 1980 Act(a).

Modifications of the provisions of the 1990 Act and the Listed Buildings Act

6. All the provisions of the 1990 Act and the Listed Buildings Act 1990 specified in Part 2 of Schedule 29 to the 1980 Act(b) shall have effect in relation to the ODA and to the development area with the modifications specified in that Part.

Transitional arrangements: planning applications

7.—(1) Paragraphs (2) (3) and (4) of this article apply 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 duly made before this Order came into force to an authority which ceases by virtue of section 7 of the 1990 Act(c) and the preceding provisions of this Order to be the local planning authority responsible for determining the application (“the previous authority”); and
- (b) has not been determined when this Order comes into force.

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

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

(4) Where notices, certificates, publicity or consultations have been, or are in the process of being, given or carried out in relation to an application before the day on which it is transmitted to the ODA, no further notices, certificates, publicity or consultations shall be required solely because the application has been transmitted.

(5) Where an appeal is made to the Secretary of State under section 78(d) of the 1990 Act or section 20 of the Listed Buildings Act against a decision or determination made in relation to land within the development area by an authority which ceased by virtue of section 7 of the 1990 Act and the preceding provisions of this Order to be the local planning authority responsible for making such decisions or determinations, that authority shall—

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

(a) 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 Compensation Act 1991 (c 34).
(b) Part 2 of Schedule 29 was amended by paragraph 44(13) of Schedule 2 to the Planning (Consequential Provisions) Act 1990.
(c) Section 7 is modified in its application to the ODA by section 5(2) and (3)(b) of the London Olympic and Paralympic Games Act 2006.
(d) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991.

Transitional provision: compensation

8.—(1) Where a right to compensation arises under section 107(a), 108, 115, 186(b), 203 or 204 of the 1990 Act or section 28 or 29 of the Listed Buildings Act in consequence of action taken in relation to land within the development area by an authority which ceases by virtue of section 7 of the 1990 Act and the preceding provisions of this Order to be the local planning authority in relation to that matter, the liability to pay compensation shall lie with that authority.

(2) Where—

(a) the Secretary of State makes a determination—

(i) of an appeal against action taken by such authority as is mentioned in paragraph (1);
or

(ii) on a reference made to him by such authority; and

(b) that determination gives rise to a right to compensation,

that authority shall be liable to pay the compensation.

(3) Where the Secretary of State—

(a) makes an order under section 100(c), 104 or 202, or paragraph 11 of Schedule 9 to, the 1990 Act in respect of a matter arising before this Order comes into force which relates to land in the development area; or

(b) serves a notice under section 185 of that Act in respect such a matter,

the authority which was the local planning authority in relation to that land when the matter arose shall remain liable to pay any compensation arising from the order or notice.

Signed by authority of the Secretary of State

Kay Andrews

Parliamentary Under Secretary of State

Department for Communities and Local Government

9th August 2006

EXPLANATORY NOTE

(This note is not part of the Order)

The Olympic Delivery Authority (ODA) was established by the London Olympic Games and Paralympic Games Act 2006 for the purposes set out in section 4 of that Act which includes the purposes of preparing for the London Olympics in 2012.

The Order specifies with the use of maps the development area in respect of which the ODA is given planning functions (article 3). The Order makes the ODA the local planning authority in relation to all kinds of development for the purposes of Part 3 of the Town and Country Planning Act 1990 (control over development) (article 4). It also confers on the ODA those functions of the Town and Country Planning Act 1990 and those functions of 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 (article 5).

The Order applies other provisions of the 1990 Act specified in Part 2 of Schedule 29 to the 1980 Act to the ODA and the development area subject to the modifications set out in that Part (article 6).

Provision is made for the former local planning authority to transmit applications received but not determined by it prior to the date on which this Order comes into force to the ODA for determination (article 7).

(a) Section 107 was amended by paragraph 8 of Schedule 1 to, and paragraph 13 of Schedule 6 to, the Planning and Compensation Act 1991.

(b) Section 186 was amended by section 9(3) of paragraph 29 of Schedule 7 to, and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991.

(c) Section 100 was amended by paragraph 5 of Schedule 1 to the Planning and Compensation Act 1991.

Provision is also made to leave responsibility for the payment of compensation under section 107, 108, 115, 186, 203 and 204 of the Town and Country Planning Act 1990 or sections 28 or 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with the local planning authority who took the action giving rise to the right of compensation (article 8).

Prints of the maps referred to in article 3 of this Order are available for inspection at all reasonable hours in the Library of the Department for Communities and Local Government, Ashdown House, 123 Victoria Street, London SW1E 6DE. The maps are also available at the offices of the London Borough of Hackney, Planning Department, Dorothy Hodgkin House, 12 Reading Lane, London, E8 1HJ; the London Borough of Newham, Development Control, Town Hall Annexe, Barking Road, East Ham, London, E6 6EH; the London Borough of Tower Hamlets, Planning Department, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG; the London Borough of Waltham Forest, Planning and Transportation Service, Chingford Municipal Offices, The Ridgeway, London E4 6PS and the offices of the Olympic Delivery Authority, Planning Committee, 4th Floor, 11 Burford Road, Stratford, London E15 2ST.

A regulatory impact assessment was prepared in relation to this Order. This assessment has been placed in the library of each House of Parliament and copies may be obtained from Robert Moore, Department of Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU (Telephone 020 7944 5890).

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E1112 8/2006 161112T 19585