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STATUTORY INSTRUMENTS

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**2012 No. 2167**

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

**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(1);

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004(2);

“area application” means an application for the designation of a neighbourhood development area made under section 61G of the 1990 Act(3);

“borough planning authority” means a council of a London Borough which ceases, by virtue of section 7A(2) of the 1990 Act(4) and article 3 of this Order, to be the local planning authority for a part of the development area;

“commencement date” means 1<sup>st</sup> 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(5);

“development plan document” means a development plan document for the purposes of section 37(3) of the 2004 Act(6);

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(7);

“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;

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(1) 1990 c.8.

(2) 2004 c.5.

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

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

(5) S.I. 2012/310.

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

(7) 1990 c.9.

“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<sup>(8)</sup>;

“neighbourhood development order” means a neighbourhood development order for the purposes of section 61E of the 1990 Act<sup>(9)</sup>;

“neighbourhood development plan” means a neighbourhood development plan for the purposes of section 38A(2) of the 2004 Act<sup>(10)</sup>;

“neighbourhood development plan proposal” means a proposal for a neighbourhood development plan submitted by a qualifying body<sup>(11)</sup> under paragraph 1 of Schedule 4B to the 1990 Act (as applied, with modifications, by section 38A of the 2004 Act<sup>(12)</sup>);

“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<sup>(13)</sup>;

“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<sup>(14)</sup>;

“order proposal” means a proposal for a neighbourhood development order submitted by a qualifying body<sup>(15)</sup> under paragraph 1 of Schedule 4B to the 1990 Act or community right to build order submitted by a community organisation<sup>(16)</sup> under paragraph 1 of Schedule 4B to the 1990 Act, as read with paragraph 2 of Schedule 4C to the 1990 Act<sup>(17)</sup>;

“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<sup>(18)</sup>;

“the Tree Preservation Regulations” means the Town and Country Planning (Tree Preservation) (England) Regulations 2012<sup>(19)</sup>; and

“urban development corporation” means an urban development corporation established under Part 16 of the 1980 Act<sup>(20)</sup>.

### **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.

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<sup>(8)</sup> S.I. 2004/1642.

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

<sup>(10)</sup> Section 38A was inserted by section 116(1) of, and paragraphs 5 and 7 of Part 2 of Schedule 9 to, the 2011 Act.

<sup>(11)</sup> 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).

<sup>(12)</sup> Schedule 4B was inserted by section 116(2) of, and Schedule 10 to, the 2011 Act.

<sup>(13)</sup> Section 61F was inserted by section 116(1) of, and paragraphs 1 and 2 of Part 1 of Schedule 9 to, the 2011 Act.

<sup>(14)</sup> 2006 c.12.

<sup>(15)</sup> 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).

<sup>(16)</sup> The definition of “community organisation” is in paragraph 3 of Schedule 4C to the 1990 Act.

<sup>(17)</sup> Schedule 4C was inserted by section 116(3) of, and Schedule 11 to, the 2011 Act.

<sup>(18)</sup> S.I. 2012/767.

<sup>(19)</sup> S.I. 2012/605.

<sup>(20)</sup> 1980 c.65.

### **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(21).

5. In relation to the development area the LLDC shall have the functions conferred by Schedule 8 to the Electricity Act 1989(22) so far as applying to applications for consent under section 37 of that Act(23).

### **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(24) 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(25) 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.

### **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(26) 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(27);
- (b) the Olympic Delivery Authority (Planning Functions) Order 2006(28);
- (c) the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2006(29); and
- (d) the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2011(30).

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(21) 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).

(22) 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.

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

(24) 1946 c.36.

(25) 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).

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

(27) S.I. 2005/272, amended by S.I. 2011/549.

(28) S.I. 2006/2185.

(29) S.I. 2006/2186.

(30) S.I. 2011/549.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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**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