

**EXPLANATORY MEMORANDUM TO**  
**THE OLD OAK AND PARK ROYAL DEVELOPMENT CORPORATION**  
**(PLANNING FUNCTIONS) ORDER 2015**

**2015 No. 442**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

2.1 This Order confers certain planning powers upon the Old Oak and Park Royal Development Corporation (“the Corporation”) from 1st April 2015 (“the commencement date”) under the provisions of Chapter 2 of [Part 8 of the Localism Act 2011](#) (“the 2011 Act”). The Corporation will become the local planning authority for an area in West London (“the development area”) encompassing Old Oak Common and industrial areas of Park Royal in the London boroughs of Brent, Ealing, and Hammersmith and Fulham (“the borough planning authorities”), for the purposes specified in the Order. The Order also makes transitional provisions in relation to planning functions exercised by a borough planning authority prior to the commencement date.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Context**

4.1 Under section 197 of the 2011 Act the Mayor of London (“the Mayor”) is given the power to designate any area of land in Greater London as a Mayoral development area, provided certain criteria are met.

4.2 Section 198 of the 2011 Act requires the Secretary of State, if notified by the Mayor that he has designated a Mayoral development area, to make an order: establishing a Mayoral Development Corporation for this area; giving the Mayoral Development Corporation the name notified to him by the Mayor; and giving effect to any decisions made by the Mayor under section 202 of the 2011 Act regarding the planning functions the Mayoral Development Corporation is to have.

4.3 Section 202 enables the Mayor to decide that the Mayoral Development Corporation for the area is to be the local planning authority, for the whole or any portion of the area, for the purposes of any one or more of the following—

4.3.1 Part 3 (Control over development) of the Town and Country Planning Act 1990 (“the 1990 Act”);

4.3.2 Part 2 (Local development) and Part 3 (Development) of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”);

4.3.3 the functions listed in Part 1 of Schedule 29 to the Local Government, Planning and Land Act 1980 (“the 1980 Act”). These cover a range of planning functions listed in the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”), including enforcement functions; and

4.3.4 Schedule 8 to the Electricity Act 1989 so far as applying to applications for consent under section 37 of that Act. These relate to requests for consent to put up electricity lines.

4.4 Section 202 also enables the Mayor to decide that the functions listed in Part 2 of Schedule 29 to the 1980 Act are to apply to the Mayoral Development Corporation with the modifications listed in that Part. These include other functions listed in the 1990 Act and the Listed Buildings Act, such as the power under section 249 of the 1990 Act to apply to the Secretary of State to extinguish the right to use vehicles on a highway).

4.5 The Old Oak and Park Royal Development Corporation (“the Corporation”) was established by the Old Oak and Park Royal Development Corporation (Establishment) Order 2015 (S.I. 2015/53) (“the Establishment Order”).

## **5. Territorial Extent and Application**

This instrument applies to England.

## **6. European Convention on Human Rights**

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The 2011 Act devolved responsibility for housing and regeneration in London to the Mayor and the Greater London Authority. It also provided the Mayor with the power to designate a Mayoral development area and notify the Secretary of State of his intention to create a Mayoral Development Corporation and to decide what planning functions and powers should be transferred to the Corporation. The principle objective of the Corporation is to act as a single co-ordinating body which provides clear leadership and direction and possesses the necessary powers to co-ordinate regeneration, development and physical transformation across the development area. When notified, the Secretary of State must give effect to the Mayor’s requests by Order, providing the Mayor has followed the correct procedure.

7.2 The Mayor’s Further Alterations to the London Plan<sup>1</sup> identified Old Oak Common as an opportunity area with the potential to accommodate 24,000 new

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<sup>1</sup> The overall strategic plan for London, setting out an integrated economic, environmental, transport and social

homes and 55,000 new jobs and to become one of London's most connected locations due to significant improvements in rail infrastructure including High Speed 2 and Crossrail, and the proposed new Overground Stations. The Mayor also adopted the Park Royal Opportunity Area Planning Framework which focuses on the retention and protection of strategic industrial land in the area.

7.3 In June 2013, in recognition of the area's huge potential, the Mayor, with Transport for London and the London Boroughs of Hammersmith and Fulham, Brent and Ealing, consulted on 'A Vision for Old Oak'<sup>2</sup>. The plan provides the framework for significant regeneration in the area that will take advantage of the planned transport infrastructure and unlock the full development potential of the area.

7.4 Driving forward this scale of development across three local authorities is of strategic importance both for London and nationally. To ensure delivery, the Mayor considers that a Mayoral Development Corporation is necessary. He has followed the procedures set out in the 2011 Act and notified the Secretary of State for Communities and Local Government of the development area for which a Mayoral Development Corporation is to be established and the name of the Mayoral Development Corporation.

7.5 The Establishment Order was laid on 27th January 2015 and, subject to Parliamentary process, will come into force on 1st April 2015. That Order establishes a Mayoral Development Corporation in relation to the development area. Details of the boundary of that area are set out in the Explanatory Memorandum to that Order.

7.7 The Mayor has decided that the Corporation will become the local planning authority for its area for all of the purposes, and with all of the functions and powers, set out in sections 202(2) to (5) of the 2011 Act (as set out in the Mayor's notification to the Secretary of State of 30th December 2014). This means that the Corporation will be responsible for planning functions including, but not limited to: determination of applications for planning permission, plan-making (including responsibility for neighbourhood planning), determination of listed building consent, and certain planning enforcement functions.

7.8 The Schedule to this Order sets out transitional provisions in relation to functions exercised by borough planning authorities before the commencement date. The default position is that anything which before the commencement date was in the process of being done by, or in relation to, a borough planning authority under a function or power that will be transferred, may be continued by the Corporation after that date. But specific provision is made for the borough planning authority to retain responsibility in relation to enforcement action, planning appeals and compensation in connection with planning functions in relation to decisions or actions undertaken before the commencement date. Specific transitional provision is also made under the

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framework for the development of London over the next 20–25 years. The London Plan includes general policies in respect of the development and use of land in Greater London:

<https://www.london.gov.uk/priorities/planning/london-plan/draft-further-alterations-to-the-london-plan>

<sup>2</sup> This document sets out a vision for the Old Oak Area and suggests land use, delivery and design principles that could help to achieve this vision. It has been prepared as a foundation to a proposed Opportunity Area Planning Framework that will assist in future planning decisions:

[http://www.london.gov.uk/sites/default/files/Old\\_Oak\\_Part\\_1\\_0.pdf](http://www.london.gov.uk/sites/default/files/Old_Oak_Part_1_0.pdf)

Schedule in respect of planning applications, planning obligations, local development documents and applications for designation of a neighbourhood forum or area. These transitional provisions are necessary in order to ensure a smooth handover of planning functions in the period immediately after 1st April 2015. They provide clarity for both the Corporation and the borough planning authorities in respect of the transfer of functions and are beneficial to all parties.

7.9 It is intended that the transfer of functions and powers will come into effect at the same time as the Corporation is established on 1st April 2015. This Order gives effect to the Mayor's decision, as the Secretary of State is required to do under section 198(2)(c) of the 2011 Act.

## **8. Consultation outcome**

8.1 In accordance with section 197 of the 2011 Act, the Mayor of London consulted on the proposed Mayoral Development Corporation between 18th June and 24th September 2014, including in respect of the planning functions that were envisaged would be transferred to the Corporation. The consultation was entitled Old Oak and Park Royal Development Corporation Consultation Report June 2014. Section 9 of that report detailed the Corporation's proposed approach to planning powers. Paragraph 9.6 stated that '*placing full plan making powers in one organisation would ensure a clear and integrated approach to planning across the entire area and would give the Corporation the best chance of meeting its objectives*'.

8.2 The Mayor subsequently consulted on revisions to the boundary of the Mayoral Development Corporation between 5th and 26th November 2014.

8.3 The statutory consultees included the London Assembly, Assembly members and Members of Parliament whose constituencies contain a part of the proposed Mayoral Development Corporation area and the three London Borough Councils whose areas contain a part of the proposed Mayoral Development Corporation area. The Mayor also invited responses to his proposals from others whom he considered it appropriate to consult, and invited responses from any person that wished to submit one.

8.4 Full details of the Mayor's consultation and his response to submissions are available on the Greater London Authority website at:

<https://www.london.gov.uk/sites/default/files/Old%20Oak%20%26%20Park%20Royal%20MDC%20statement%20in%20response%20to%20public%20consultation.pdf>

8.5 A total of 309 consultation responses were received during the consultation. The responses to the key questions posed by the Mayor were as follows:

- Almost half the respondents were broadly in support of the case for a Mayoral Development Corporation in the area. Some of the respondents indicated they supported the proposed purpose of the Mayoral Development Corporation but raised specific concerns including the removal of planning powers from elected members and local people that would result in less

transparency. The Mayor has agreed that each of the three London boroughs will have elected councillors as representatives on the Corporation's planning committee

- Many respondents, including the London Assembly and the London boroughs, raised questions about how the local community would be involved in planning and decision making in the Corporation. In response, the Mayor has agreed that representatives from both the local business community and local residents would be offered a seat on the Corporation board and therefore ensuring they are involved in all future decision making. In addition, the Corporation will prepare and agree a Community Charter in collaboration with the local community.

8.6 On 8th December 2014, the Mayor published a report to the London Assembly stating that he was proposing to designate a Mayoral development area. On 17th December 2014, the London Assembly considered and broadly supported the Mayor's proposals for this designation.

8.7 Full details of the London Assembly's consideration of the Mayor's proposals are available on the Greater London Authority website at:

<http://www.london.gov.uk/moderngov/documents/g5564/Public%20minutes%20Wednesday%2017-Dec-2014%2013.30%20London%20Assembly%20Plenary.pdf?T=11>

8.8 The Government is satisfied that the Mayor has fulfilled the requirements of section 197 of the 2011 Act. The Government is of the view that the Mayor is in the best position to deal with the issues raised by respondents in his role as the person accountable for the Corporation. The Government is committed to the decentralisation of decision making relating to housing and regeneration in London and for which the Mayor is accountable to the people of London.

## **9. Guidance**

9.1 Not applicable.

## **10. Impact**

10.1 There will be no impact on business, charities or voluntary bodies.

10.2 In relation to the impact on the public sector, this Order makes provision to transfer planning functions and powers to a new body that will take over the functions and powers of existing public bodies, primarily the borough planning authorities.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not place any additional regulatory burden upon small business.

## **12. Monitoring & review**

12.1 Section 215 of the 2011 Act requires the Mayor to review from time to time whether or not a Mayoral Development Corporation should continue in existence. The Mayor proposes to conduct the first of such reviews by April 2017 and after this at specific times which he considers to be appropriate.

## **13. Contact**

Tom Bristow at the Department for Communities and Local Government Tel: 030344 41714 or email: [tom.bristow@communities.gsi.gov.uk](mailto:tom.bristow@communities.gsi.gov.uk) can answer any queries regarding the instrument.