

EXPLANATORY MEMORANDUM TO

THE LONDON LEGACY DEVELOPMENT CORPORATION (ESTABLISHMENT AND PLANNING FUNCTIONS) (AMENDMENT AND REVOCATION) ORDER 2024

2024 No. 918

1. Introduction

- 1.1 This explanatory memorandum has been prepared by The Ministry for Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

- 2.1 Matthew Pennycook, Minister of State at the Ministry for Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Arthur Young, Deputy Director for Development Plans, at the Ministry for Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

- 3.1 Kevin Reid at the Ministry for Housing, Communities and Local Government Telephone: 0303 4444 797 or email: plansbriefing@communities.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

- 4.1 This legislation does two things. First it reduces the geographic area over which the London Legacy Development Corporation (“LLDC”) operates. The map showing the updated area is available for inspection at the office of the Secretary of State and a copy of the map (and the original LLDC map) will be published alongside this Explanatory Memorandum for accessibility. Secondly, it transfers town and country planning powers back to councils of the four London boroughs (Hackney, Newham, Tower hamlets and Waltham Forest) within which the LLDC is situated. For clarity the planning powers are returned for both the previous and new extent of the LLDC’s geographic area such that the LLDC no longer has any planning function.

Where does the legislation extend to, and apply?

- 4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

- 5.1 The LLDC was established in 2012 to deliver the legacy of the 2012 Olympic and Paralympic Games. It became a local planning authority by receiving town and country planning powers from the Olympic Delivery Authority and London Thames Gateway Development Corporation. Those planning powers were previously transferred from the London boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest.
- 5.2 Development Corporations are intended to be time limited organisations which facilitate the delivery of signification development in a focused period of time. As such it was always intended to return planning powers to the respective local authorities.
- 5.3 At this point, some 12 years after the Games were held, the Mayor of London has determined that the majority of the major development decisions have now been taken and the majority of the construction activity is either completed or is underway. Therefore it is appropriate to return town and country planning powers to the four respective London Boroughs.
- 5.4 The Mayor has also determined that operational area of the LLDC can be reduced. However, the area of the Queen Elizabeth Olympic Park requires further management and oversight, hence the LLDC is retained on a smaller geographic area to undertake this role. These changes have been requested by the Mayor of London who is responsible for the LLDC.

What was the previous policy, how is this different?

- 5.5 The policy approach outlined in 5.2 above has remained consistent, what has changed is that the Mayor of London formally wrote to Secretary of State on 14th October 2022 stating that the LLDC planning powers should be returned to the respective boroughs with effect from 1st December 2024. The Mayor subsequently wrote to the Secretary of State stating that the boundary of the LLDC should be altered.
- 5.6 This order gives effect to the above two decisions of the Mayor, with effect from 1st December 2024. The Order also makes transitional provisions in respect to the planning functions exercised by the LLDC prior to the commencement date.

6. Legislative and Legal Context

How has the law changed?

- 6.1 This Order changes the functions and operational area of the LLDC as conferred by the London Legacy Development Corporation (Establishment) Order 2012 and the London Legacy Development Corporation (Planning Functions) Order 2012. This Order entirely removes the planning functions from the LLDC, returning those functions to the relevant London Boroughs from where the planning functions had previously been taken. The Order also reduces the operational area of the LLDC. These changes have been made because the Mayor has written to the Secretary of State stating that he has decided to make these changes, and the Secretary of State must give effect to these changes in line with section 199(4) and 204(6) of the Localism Act 2011.

Why was this approach taken to change the law?

- 6.2 This approach has been taken because the Secretary of State must give effect to the Mayor of London's decisions in this matter.

7. Consultation

Summary of consultation outcome and methodology

- 7.1 The Mayor of London was consulted on a draft of this Order as the Localism Act 2011 requires the Secretary of State to have regard to any representations received from the Mayor when making incidental, supplementary, consequential, transitional or transitory provision or savings. In response to the consultation a number of drafting points and clarification points were made to the Order. No wider consultation was undertaken because this is a matter that the Mayor of London has decided upon and the principle was agreed with both the LLDC itself and the four London boroughs who will have planning powers returned to them.

8. Applicable Guidance

- 8.1 There is no further guidance relevant to this Order.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

- 9.1 A full Impact Assessment has not been prepared for this instrument because there will be no significant impacts on business, local residents or the voluntary sector.

Impact on businesses, charities and voluntary bodies

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies because these changes mark a change in administrative procedures relating to planning functions, which amount to a return to the normal model of local planning authorities exercising these functions.
- 9.3 The legislation does not impact small or micro businesses.
- 9.4 There is no, or no significant, impact on the public sector because these changes amount to a return to the normal operation of planning functions by local planning authorities. These changes have been widely anticipated by all relevant public authorities.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

- 10.1 This Order comes as a result of the Mayor fulfilling his duty under section 215 of the Localism Act 2011 to review, from time to time, the continuing existence of the LLDC. Given that the LLDC will continue to exist, albeit with reduced functions and over a reduced geographical area, the Mayor will need to continue to fulfil his duty under section 215 of the 2011 Act.
- 10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).