

	DEVELOPMENT COMMITTEE		25 April 2024
	Report of the Corporate Director of Housing and Regeneration	Classification: Unrestricted	
Wards	Bow East and Bromley North Wards		
Title	London Legacy Development Corporation – interim delegation scheme		
Summary Recommendation	<p>To note proposals for an interim scheme of delegation of certain planning functions from the London Legacy Development Corporation.</p> <p>To confirm the Development Committee agrees to determine applications under the delegation scheme and request that the Council confirms the scheme.</p>		
Originating Officer	Paul Buckenham, Head of Development Management		

1. BACKGROUND INFORMATION

- 1.1 The London Legacy Development Corporation (LLDC) is a London Mayoral Development Corporation (MDC) established in 2012 under Section 198 of the Localism Act 2011.
- 1.2 The LLDC's stated remit is to deliver the Olympic Legacy commitments made in the original London 2012 Games bid concerning the physical legacy of the Games, the long-term planning, development, management and maintenance of the Park and its impact on the surrounding area after the London 2012 Games.
- 1.3 The LLDC is the local planning authority for its area with planning powers for local plan making, determining planning applications, appeals and enforcement. transferred under the London Legacy Development Corporation (Planning Functions) Order 2012.
- 1.4 The LLDC planning area in Tower Hamlets, comprises Fish Island, parts of Hackney Wick and Bromley by Bow (See map in Appendix 1). Any planning (or related) application for development within this area is submitted to and determined by the LLDC. Tower Hamlets is a statutory consultee but has no decision-making powers.
- 1.5 In February 2020, the Legacy Corporation's Board agreed that LLDC's town planning powers and functions would return to the four neighbouring boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest, by the end of December 2024.
- 1.6 On 8 September 2022, the Mayor of London formally decided for the purposes of the Localism Act 2011 that from 1 December 2024 LLDC shall cease to exercise its town planning functions and has confirmed to the Secretary of State his intention to return planning powers from the LLDC to the four growth boroughs, with effect from 1 December 2024.
- 1.7 The Mayor of London has confirmed that the LLDC's Town Planning powers will be transferred back to the four London boroughs with effect from 1 December 2024.

- 1.8 To enable the transfer of planning powers from LLDC back to Tower Hamlets, secondary legislation to reverse the transfer of powers under the 2012 Order will be made by Parliament described as a **Statutory Instrument**.
- 1.9 The draft legislation is being prepared by the Department for Levelling Up, Housing and Communities and is expected to be laid before Parliament later this year, in time to come into force before 1 December 2024.
- 1.10 The Mayor of London will also prepare a Statutory Transfer Scheme (STS) under section 216 of the Localism Act 2011. The STS lists the existing rights and liabilities to be transferred, including records of planning decisions, un-determined planning applications, planning enforcement cases, appeals, planning obligation agreements and receipts, Community Infrastructure Levy receipts.
- 1.11 On 25 October 2023 the Mayor in Cabinet agreed to the Statutory Transfer Scheme with the Mayor of London. This was subsequently approved via a Mayoral Decision by the Mayor of London on 12th March 2024 (under MD3256).

2. PROPOSED INTERIM DELEGATION SCHEME (IDS) FOR PLANNING APPLICATIONS

- 2.1 If the Statutory Instrument is confirmed by parliament, the LLDC will cease to be a local planning authority on 1 December 2024. Tower Hamlets, Hackney, Newham and Waltham Forest will resume full planning powers under the Town and Country Planning Act 1990 for the areas within their administrative boundaries.
- 2.2 Growth Borough officers have been working with the LLDC to establish a smooth planning transition process in the period running up to 1 December 2024. Growth borough planning leads and the Director of Planning Policy and Decisions at LLDC agree that it would be expedient that any new planning applications submitted to the Development Corporation in the three month period up to 1 December to be dealt with by the four boroughs and have prepared a draft Memorandum of Understanding.
- 2.3 Section 203 of the Localism, Act 2011 includes a provision for Mayoral Development Corporations to decide with a London Borough Council *for discharge of, or assistance with, planning functions*.
- 2.4 Using the powers in Section 203, an **Interim Delegation Scheme (IDS)** is proposed that would take effect from 1 September until 30 November 2024. The IDS would cover planning and associated applications, planning appeals and enforcement.
- 2.5 Under the IDS any new planning applications submitted to the LLDC during the interim period would be delegated to Tower Hamlets (and the other three growth boroughs) to assess and determine. Any new planning appeals or planning enforcement cases would also be delegated to the growth boroughs.
- 2.6 There are several benefits to this approach:
 - Certainty and continuity for applicants, by avoiding new applications being submitted to the LLDC in the run up to transition and then having to be transferred and re-allocated to staff within the boroughs on 1 December, if not already determined.
 - It would allow the LLDC planning teams to focus their resources on existing on hand cases thereby reducing the number of undetermined planning applications that may otherwise have to be transferred on 1 December.

- The Growth Boroughs will start to influence future planning decisions in the Olympic Legacy area at an earlier stage, prior to formal planning transition.
- The receiving borough would have the benefit of the statutory planning fees.

3. MITIGATION IF THE STATUTORY INSTRUMENT IS DELAYED

- 3.1 DLUHC anticipates that the draft Statutory Instrument (secondary legislation) that revokes the LLDC planning powers will be laid before Parliament in July in time to pass through the through the parliamentary stages and to come into force before the 1 December transition date.
- 3.2 However there is a small risk that the Statutory Instrument may be delayed, for example if parliamentary business is affected by a general election.
- 3.3 In this case there would be the option for delegation scheme to continue to operate from 1 December until such time as the necessary legislation is enacted for the LLDC to cease to be a Local Planning Authority.

4. LBTH GOVERNANCE PROCESS FOR AGREEING THE DELEGATION SCHEME

- 4.1 The decision to receive functions delegated by another authority is set out in Section 7 of Tower Hamlets Constitution as being reserved to the full Council.
- 4.2 Decisions on planning applications are a non-executive function delegated by the Council to the Development and Strategic Development Committees and to officers.
- 4.3 The Director of Planning and Building Control has confirmed their agreement in principle to the IDS and to determine any new applications submitted to the LLDC from 1 September on their behalf, within the scope of established delegated powers.
- 4.4 The purpose of this report is to seek the Strategic Development Committee's agreement in principle to the proposed IDS and the Committee's confirmation that they would determine any relevant applications received under the IDS that fall within their current terms of reference.
- 4.5 Subject to the agreement of both planning committees a report would be presented to the Council meeting on 31 July 2024 to confirm the IDS. The LLDC will also ask their Board to agree the scheme at a meeting in May.
- 4.6 In summary the timetable would be:
 - Report to Development Committee – 25 April 2024;
 - Report to Strategic Development Committee – 14 May 2024;
 - LLDC Board approval – 21 May 2024;
 - Report to Council – 31 July 2024.

5. COMMENTS OF LEGAL SERVICES

- 5.1 The Report details the current arrangements for determining planning applications with the area of the LLDC, part of which includes areas of LBTH. It notes that legislation is pending

which will see the return of statutory planning functions presently exercised by the LLDC to LBTH for those areas of the borough detailed in the Report. This report details the proposals for a handover period to allow a smooth transition of functions from the LLDC to LBTH. Section 203 of the Localism Act 2011 provides the legal basis for this proposal by way of a scheme of delegation from the LLDC to LBTH.

- 5.2 Similar processes are under way with the other LLDC London Boroughs (LB Hackney; LB Newham and LB Waltham Forest).
- 5.3 Whilst this Report does not ask Committee to approve the scheme of delegation (that decision is a matter for full Council), it is appropriate to receive and consider it as one of the consequences of the recommendations of this Report, if approved by full Council, will be that this Committee may be asked to determine planning applications on behalf of the LLDC during the handover period detailed in the Report.

6. RECOMMENDATION

- 7.1 The Development Committee is recommended to:
 1. Note the proposals to establish an interim scheme of delegation (IDS) for applications submitted to LLDC to be delegated to Tower Hamlets from 1 September 2024, until planning powers are formally transferred through legislation.
 2. Confirm their agreement to determine applications referred to them under the IDS in accordance with the established terms of reference in the Council's constitution.
 3. Request that the Council confirms the IDS at the meeting on 31 July 2024.

