

Transition of Planning Powers from LLDC: Memorandum of Understanding for interim delegation scheme

1) The signatories to the agreement (“the parties”)

- a) London Legacy Development Corporation (“LLDC”)
- b) London Borough of Tower Hamlets (“Tower Hamlets”)

2) Background

- a) The London Legacy Development Corporation (“LLDC”) was established by The London Legacy Development Corporation (Planning Functions) Order 2012 (“2012 Order”). The principal objective of establishing LLDC was to coordinate regeneration, development and planning within the area and ensure a clear and integrated approach to its ongoing development.

LLDC has since operated as the local planning authority for the area, for the following purposes (“the planning functions”)

- i) Part 3 of the Town and Country Planning Act 1990 (“the 1990 Act”)
 - ii) Parts 2 and 3 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”)
 - iii) The functions under the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) specified in Part 1 of Schedule 29 to the Local Government, Planning and Land Act 1980 (“the 1980 Act”)
 - iv) Schedule 8 to the Electricity Act 1989 so far as they relate to applications for consent under section 37 of that Act
- b) On 4th 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.
 - c) On 8 September 2022, the Mayor of London wrote to the Secretary of State Department for Levelling Up Housing (DLUHC) to confirm that LLDC would cease to exercise its function as the local planning authority for the area from 1 December 2024 (“the Transition Date”)

3) Current proposals

- a) The transition of planning powers is expected to be brought into effect through a Statutory Instrument drafted by the DLUHC and approved by Parliament (“the Planning Transition Order”).
- b) There is a risk acknowledged by the parties that the Planning Transition Order is not approved before the Transition Date.
- c) The parties recognise the need to mitigate these risks and have decided to make arrangements for an interim scheme of delegation (“IDS”) based on the outline scheme attached as Appendix One to this MOU as a fallback

arrangement. In accordance with Appendix One it is intended that there would be separate interim schemes of delegation covering the periods 01 September to 30 November 2024 and from 01 December 2024.

- d) The purpose of this MOU is
 - i) To recognise and document that intention,
 - ii) To record the formal powers of each of the parties to enter into the IDS
 - iii) To outline the scope of the IDS
 - iv) To outline the timetable for its development and agreement (see draft programme at the end of this document)
- e) It is acknowledged that in signing this MOU none of the parties are bound by its terms

4) Intention

- a) Each of the parties to this agreement
 - i) Agrees that LLDC can delegate certain planning functions to Tower Hamlets from 1st September 2024
 - ii) recognises the need to set up interim arrangements for a continued planning function in the event that the Planning Transition Order is not made
 - iii) agrees to use all reasonable endeavours to work with the other parties to
 - (1) finalise and adopt the first IDS prior to 01 September 2024, subject to necessary approval by LLDC and the Council
 - (2) implement the first IDS from 01 September and a second IDS from 01 December 2024, as applicable.
 - iv) agrees to use all reasonable endeavours to work with the other parties to ensure a coordinated approach to development, identify strategic planning priorities and resolve joint planning issues and concerns in accordance with the agreed Working Protocols as follows
 - (1) Major Pre-Apps and Applications
 - (2) Non-Major Pre-Apps and Applications
 - (3) Planning Enforcement
 - (4) Legacy Communities Scheme
 - (5) Appeals Protocol
 - (6) Approach to the Transfer of LLDC CIL and s106 monies
 - (7) LLDC Developments

5) Powers

- a) LLDC has the power to delegate the planning functions under section 203 of the Localism Act 2011

- b) Tower Hamlets has the power to take a delegation of the planning functions from LLDC and to exercise the planning functions as they relates to their administrative areas

Execution of Document

LLDC



Signed by...

Anthony Hollingsworth – Director of Planning Policy and Decisions

Tower Hamlets

Signed by:



Paul Buckenham – Head of Development Management

pp. Sripriya Sudhakar – Director Planning and Building Control

Proposed Interim Delegation Scheme Programme Mar – Dec 24

Pinsent Mason have prepared a draft MOU and the scope on an interim delegation scheme (IDS).

The suggested process following LLDC Board approval to agree these is as follows:

Date	Activity	Who	Comment
5 March / 2 April	Finalisation of MOU at planning leads meeting	LLDC and Borough planning leads	Boroughs to sign MoU by 28 Mar
25 March	Second draft of IDS detailing the scope for part (i) from 1 Dec 2024 and (ii) 1 Sep – 30 Nov 2024	Pinsent Masons and LLDC	LLDC Board paper drafting 25 Mar - 5 Apr
By 25 March	Confirmation from DLUHC as to whether SI will be laid in time to meet the 1 December 2024 deadline.	DLUHC	LLDC to review initial draft of SI
By 19 April	Borough legal review and comments on second draft IDS and LLDC Board Paper	Borough officers and lawyers	LLDC to share draft Board paper by 8 Apr
By 22 April	Final draft of IDS circulated MoU signed	LLDC and Boroughs	
21 May 24	<u>LLDC Board meeting</u> LLDC Board to approve scope of ISD A (new applications) and Plan B	LLDC	Deadlines: Initial draft 22 Apr Final draft 7 May GLA deadline 13 May
By 31 July	Borough Cabinet or Full Council approval	Boroughs	Tower Hamlets: 31 July
1 Sep 24	Interim scheme of delegation in place to enable all new planning applications submitted from 1 September 2024 to 30 November 2024 to be determined by Boroughs.	LLDC and Boroughs	Until 30 Nov 24
1 Dec 24	Planning powers transfer via SI OR All planning powers delegated to Boroughs via ISD	LLDC Boroughs DLUHC	Delegation until SI is laid/ comes into effect