



Office of the  
Deputy Prime Minister  

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Creating sustainable communities

# *Olympic Delivery Authority (Planning Functions) Order 2006*

Consultation Paper



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Deputy Prime Minister  

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# Olympic Delivery Authority (Planning Functions) Order 2006 Consultation Paper

February 2006

Office of the Deputy Prime Minister: London

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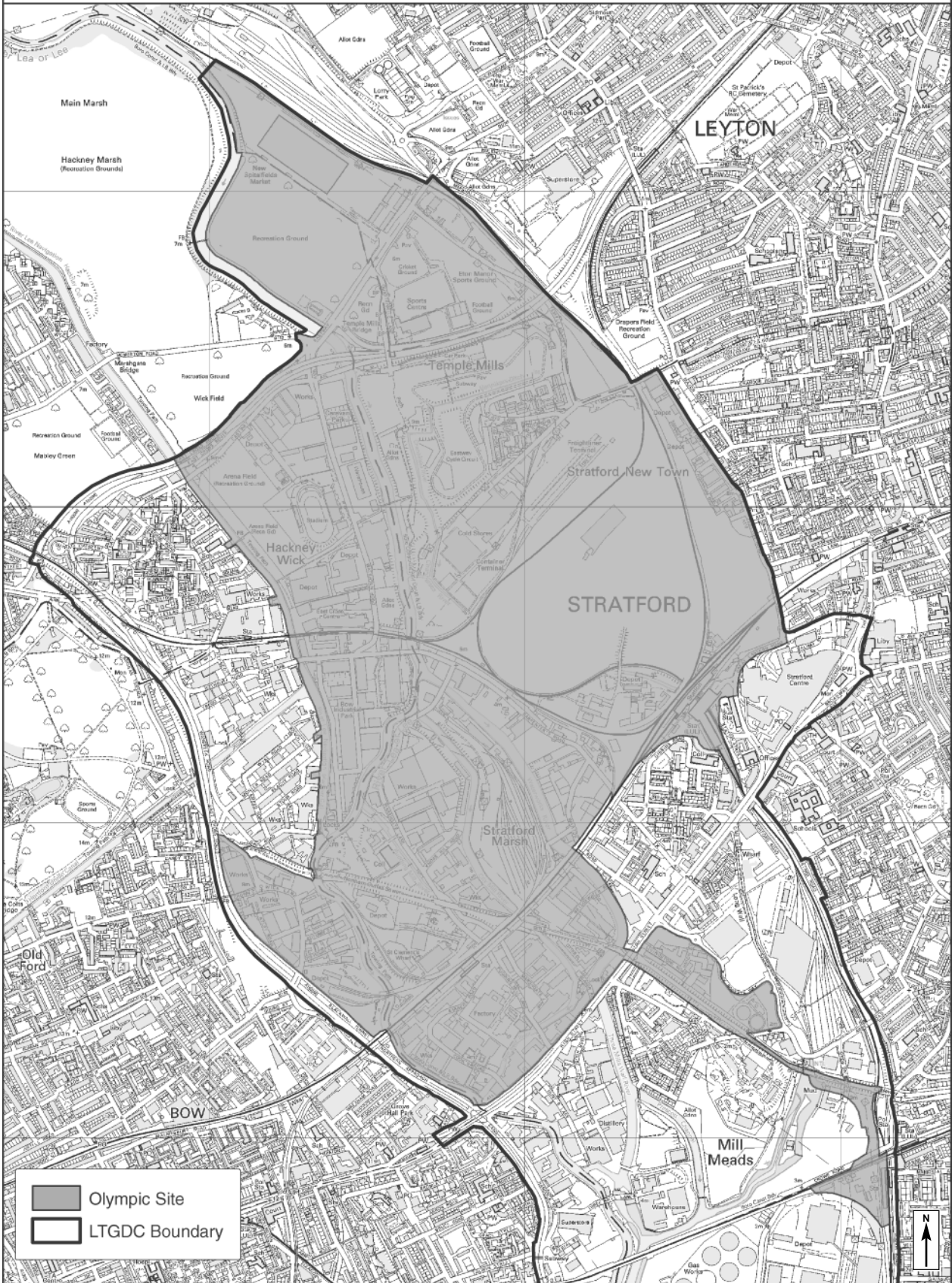
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# Olympic Delivery Authority (Planning Functions) Order 2006 - Map



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# Introduction

1. On 6th July 2005, the International Olympic Committee announced that London had won the bid to host the Olympic and Paralympic Games in 2012.
2. The Government introduced the London Olympic Games and Paralympic Games Bill on 14 July 2005 to provide measures to ensure that the UK, and in particular London as the Host City, can meet its commitments. The provisions of the Bill include the establishment of the Olympic Delivery Authority (ODA) to manage public sector involvement in the Games, primarily ensuring the delivery of the venues and necessary infrastructure on time and within budget.
3. The Bill also provides for the ODA to be given planning powers by the Secretary of State, which will be achieved by way of a Planning Functions Order made under section 149 of the Local Government Planning and Land Act 1980. This consultation paper concerns the terms of that Order. Giving planning powers to the ODA will facilitate an efficient planning process for the Olympics, bearing in mind the scale of development involved, the timescales attached to the development, and the value of a single planning authority focused on and able to deal most effectively with the integrated nature of the project.
4. The transfer of powers from the existing planning authorities to the ODA would not change the nature of those powers, nor would it lessen the transparency of the planning process. The ODA as planning authority would follow the same, or similar, procedures as the Boroughs and the London Thames Gateway Development Corporation (LTGDC), in which the Olympic Park is situated. Applicants would have the same rights of appeal against decisions by the ODA. Plan making powers will not be transferred to the ODA.

## Purpose of Consultation

5. The making of the Planning Functions Order must be preceded by a consultation process. The Government's intention is to make and lay the Instrument following consultation and as soon as the Bill becomes law and the ODA comes into being.
6. **The Planning Functions Order will specify the powers granted to the Olympic Delivery Authority to deliver their planning functions and will define the geographical boundary within which these powers will operate. This consultation concerns only these specific issues.**
7. This consultation does not concern the structure or operation of the planning function within the ODA. These are non statutory matters that will be considered separately by the ODA, the Department of Culture, Media and Sport and the ODPM, and will be resolved in consultation with local planning authorities.

## The Proposals

8. It is the Government's intention to give the ODA the role of determining planning applications, within a defined area, in so far as they are relevant to its purpose, and for the Local Government Planning and Land Act 1980 to apply to the ODA in order for it to become the local planning authority in its area. The various options are set out below in paras 15–17.
9. Section 5(5) of the Olympic Bill states that in discharging functions by virtue of this section the Authority shall have regard, in particular:
  - a) to the desirability of making proper preparation for the London Olympics;
  - b) to the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them;
  - c) to the terms of any planning permission already granted in connection with preparation for the London Olympics;
  - d) to any guidance issued by the Secretary of State (which may, in particular, refer to other documents); and
  - e) to the development plan for any area in respect of which an order is made under section 149 of the Local Government, Planning and Land Act 1980 by virtue of subsection (1) above, construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004.
10. Given the comprehensive nature of the development of the Olympic Park, and subject to the final boundary that is established, it is likely that most if not all planning applications relating to development proposals in the area covered by the Order will concern the development or delivery of the Park and its legacy, and therefore relevant to the purpose of the ODA. There may however be applications that are not. The Bill gives the ODA discretion to delegate applications to other persons, which will include the relevant local authorities, for determination. It could therefore choose to delegate in this way, any applications that were not in its view relevant to its purpose, and any current applications that were nearing a decision under existing arrangements.
11. The Government recognises however that planning applicants and local planning authorities may find it desirable for clear principles to be specified in the Order for the determination of these applications. It will consider in the light of this consultation how this might be achieved, although it is the Government's view that it is not possible to define 'Olympic related' development in a satisfactory way.
12. The Olympic Planning Functions Order will not give the ODA plan making powers. These will remain with existing plan making authorities, and are being taken forward through joint planning arrangements. Planning matters outside the final boundary will remain the responsibility of the relevant local planning authorities, which include both local authorities and LTGDC.

## Olympic Boundary

13. The powers to be taken by the ODA will operate within a defined geographical boundary (see page 4). The Consultation Map comprises the expected area of the Olympic Park itself, together with other areas whose development is considered integral to the delivery of the Park, including Stratford City, and various access improvements at the edge of the area. In some instances, boundaries have been regularised to provide a clear and discrete edge to the ODA planning area. To be clear, this consultation does not seek views on the layout of the Park per se, or the area to be covered by the Olympic Park development. It concerns what area should be subject to ODA planning powers. In the event that it is necessary for the ODA to take planning powers in an area currently included in the London Thames Gateway Development Corporation (Planning Functions) Order 2005 (SI No.2721) then that order will be amended as necessary.

## Options

14. There is a range of options available to the Government to respond to the issues outlined above:

### **OPTION 1**

15. The ODA would take all the planning powers available to it under the Local Government Planning and Land Act 1980. This means that the ODA would deal with all planning applications made within its area and also be responsible for planning enforcement powers within its area. The boundary would need to be drawn to exclude as far as possible any areas where non-Olympic development was likely to come forward. The ODA would have the option of delegating to local planning authorities any application that it did not consider related to its purpose.

### **OPTION 2**

16. The ODA would take some of the powers available to it under the Local Government Planning and Land Act 1980. For example, it would not take planning enforcement powers which would remain with the relevant borough, and would only deal with new applications. Again, it would have the option of delegating non-Olympic applications to another relevant planning authority.

### **OPTION 3**

17. The ODA would take the powers available to it under the Local Government, Planning and Land Act 1980, but only with regard to specific categories of applications that exclude those that are clearly not relevant to its purpose. While this is similar in principle to the approach adopted with the London Thames Gateway Development Corporation, where only 'strategic' applications as

defined in the Order fall to the Development Corporation, a definition suitable to the Olympics and the ODA will be extremely challenging.

## Key question on which views are invited

18. Q1: Whether the ODA should be given planning powers, and if so, whether these powers should include all powers under Schedule 29 of the LGLA 1980, including enforcement powers.
19. Q2: Whether the Order should define the types of application the ODA can determine, and if so what categories and definitions of development might be specified.
20. Q3: Whether the ODA should take over the determination of all existing applications current at the time of its commencement, or just new applications submitted after the ODA has been established.
21. Q4 Whether the boundary should be defined as other than the core Park area, and what other areas should be consequently included or excluded?

## How to respond

22. The consultation period began on 15 February and will run until 12 April. Please ensure that your response reaches us by that date. This provides an 8-week period for consultation. Whilst this is shorter than the 12-week target contained in the Government's Code of Practice (see annex) the period reflects the localised and specific nature and impact of the issues under consultation and the importance of making a final Order broadly in parallel with the establishment of the ODA, which is likely to be in April. The shorter period should not disadvantage consultees who wish to respond, and will allow the ODA to adopt planning powers without any unnecessary delay, to the benefit of the Olympic delivery process.
23. If you would like further copies of this consultation document it can be found at [www.odpm.gov.uk](http://www.odpm.gov.uk), or from: ODPM Publications, PO Box 236, Wetherby LS23 7NB. Tel: 08701 226 236 Fax: 08701 226 237 E.mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)
24. Please send consultation responses to:  
  
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Thames Gateway Strategy Division  
Zone 4/H9, Eland House  
London SW1E 5DU, or by e-mail to:  
[robert.moore@odpm.gsi.gov.uk](mailto:robert.moore@odpm.gsi.gov.uk)
25. When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members are assembled.

26. A summary of responses will be published later this year.
27. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA), and the Environmental Information Regulations 2004).
28. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
29. The Department will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

## ANNEX:

# Consultation Code of Practice

- 30 The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.
31. Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.
- 1. Consult widely throughout the process, allowing a minimum of 12-weeks for written consultation at least once during the development of the policy.**
  - 2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.**
  - 3. Ensure that your consultation is clear, concise and widely accessible.**
  - 4. Give feedback regarding the responses received and how the consultation process influenced the policy.**
  - 5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.**
  - 6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.**
32. The full consultation code may be viewed at:
- [www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm](http://www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm)*
33. Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact:

Adam Bond  
ODPM Consultation Co-ordinator  
Room 2.19  
26 Whitehall  
London, SW1A 2WH

or by e-mail to:  
[adam.bond@odpm.gsi.gov.uk](mailto:adam.bond@odpm.gsi.gov.uk)

# Partial Regulatory Impact Assessment (RIA) for Olympic Delivery Authority (Planning Functions) Order 2006

## **TITLE OF PROPOSAL**

1. Olympic Delivery Authority Planning Functions Order 2006

## **PURPOSE AND INTENDED EFFECT OF MEASURE**

### **Objective**

2. To establish the Olympic Delivery Authority as the local planning authority for development control within the area of the Olympic Park.

### **Background**

3. The Government introduced the London Olympic Games and Paralympic Games Bill on 14 July 2005, to create a public sector body to facilitate the staging of the Games, to manage the Government's interest in the Olympic project, and manage the public money going in. One of the main provisions of the Bill is to enable the ODA to take planning powers by way of a Planning Functions Order. The Government is seeking views on whether and what planning powers should be granted to the ODA.

### **Rationale for government intervention**

4. To facilitate the delivery of the Olympic games through the establishment of a single planning body best placed to meet the demands attached to the project by virtue of its scale, complexity, integrated nature and timescale.

## **CONSULTATION**

### **Within government**

5. Consultation on the proposals within Government has taken place.

### **Public consultation**

6. Public consultation on the proposals is being undertaken with local authority, business, voluntary and community groups, and the local community.

## OPTIONS

### 7. **Do nothing**

This is the base case scenario where no changes are made to the existing planning arrangements, which currently operate through the four separate Olympic Park Boroughs using a joint planning arrangement (JPAT). The current arrangement is administratively complex and is reliant upon the decision making speed and capacity of the existing boroughs. This complexity, which can mean the potential involvement of more than one authority in single planning decisions, introduces risk to the speed and clarity of the process. While the JPAT mechanism dealt successfully with the outline consent process, the scale, range and volume of future Olympic applications is of a different order. The limited timescale available to develop the Park demands a clear and focused structure from the start. As a result the Government have made it clear that the transfer of planning powers to the ODA is essential.

### 8. **Option 1: Full planning powers**

This option would mean that the Olympic Delivery Authority would take all planning powers available to it under the Local Government Planning and Land Act 1980. This would ensure that the timing of decision making, and the overall performance of the planning function, was managed directly to ensure that the constrained timetable of the project would be met. It would also ensure that all planning decisions were the responsibility of a body with a thorough understanding of the project and its objectives, and the relationship between its different parts. Argument could be resolved quickly. Key risks to the project would thereby be removed, and the quality of the overall Olympic project could be enhanced.

The ODA will have to balance carefully its responsibilities as developer and planning authority. It will need to structurally separate its regulatory planning role from its development functions.

### 9. **Option 2: Partial planning powers**

The ODA would take some of the powers available to it under the Local Government, Planning and Land Act 1980. Enforcement powers for example would remain with local planning authorities. This would provide local authorities with a check through which they could seek to influence the ODA more in the direction of their interpretation of policy priorities. However, this option could undermine the purpose of the Order, by restricting the scope of the ODA to deliver its Olympic objectives and by introducing uncertainty and delay into the decision making process.

### 10. **Option 3: Partial planning powers (Olympic Park)**

The ODA would take the powers available to it under the Local Government Planning and Land Act 1980, but only with regard to applications that were related to the development and delivery of the Olympic Park, to be specified in the Order. While it is likely that the majority of planning applications falling within the final ODA boundary will be directly Olympic related, or even submitted by the ODA, there may be other applications that the ODA will not need to, or wish to consider. At present the Bill allows the ODA to delegate applications to other persons, and other authorities. There may be advantages in principle to defining in advance categories of applications that would fall outside ODA control. This

would remove uncertainty and potential delay for both these applicants, and Boroughs, and could thereby facilitate both the Olympic and regeneration process. The definition itself however may be a complex and inexact process, and it may be possible to provide clarity and certainty through a voluntary arrangement.

## **IDENTIFICATION OF COSTS AND BENEFITS**

11. The options outlined above have in common the partial or total transfer of development control planning powers from the relevant London Boroughs, which are the current local planning authorities, to the ODA. The costs and benefits of each one are awkward to develop and mainly concern which would best enable the ODA to carry out its functions effectively and so deliver the Olympics on time and to budget. These distinctions are discussed within the options themselves (paragraphs 7–10).
12. In terms of any other costs and benefits however, there should be no significant difference between the social, economic or environmental impact of the different options. The material planning considerations, which the ODA will be required to take into account, will be characteristic of any local planning authority. Section 5(5) of the Olympic Bill identifies specific matters to which the ODA will have regard:
  - a) to the desirability of making proper preparation for the London Olympics,
  - b) to the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them,
  - c) to the terms of any planning permission already granted in connection with preparation for the London Olympics,
  - d) to any guidance issued by the Secretary of State (which may, in particular, refer to other documents), and
  - e) to the development plan for any area in respect of which an order is made under section 149 of the Local Government, Planning and Land Act 1980 by virtue of subsection (1) above, construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004.
13. The costs of providing the planning decisions service for the Olympics should be broadly similar whether or not powers are transferred to the ODA. Staffing requirements will be similar whether the function is administered by OPDA, or local authorities. Similar administrative, technical assessment and consultation procedures will apply. There could be a small economy of scale for the activity to be managed using existing borough resources. The service has to date been funded by the London Development Authority and in future will be funded from the Olympic budget.
14. The options themselves, and the Order generally, do not constrain the ODA in its choice of how it structures itself or its management of the planning process.

Whether it took total or partial planning powers, it retains scope to work with the boroughs in a variety of ways to deliver the planning service.

15. The economic, environmental and social costs and benefits of the Olympics themselves are set out in the Regulatory Impact Assessment for the London 2012 Olympics and Paralympics Bill 2005.

#### **Affected groups**

16. The ODA will be subject to the same statutory planning framework. The transfer of powers will therefore not affect either the procedures to be followed, consultation processes that must be undertaken, or the transparency of the decisions.
17. It should not therefore impact differently on planning applicants, or on local interests, including local businesses. All planning applications falling within the area to be defined, between now and 2012, will be largely related to the development or delivery of the Olympics.
18. There should be no adverse impact on race equality or health. The area concerned is located in inner East London and is wholly urbanised and therefore has no impact on rural considerations.

#### **SMALL FIRMS' IMPACT TEST (SFIT)**

19. The intention of the Order is that it will apply to proposals related to the development and delivery of the Olympic Park. The final boundary will be determined accordingly. Businesses that currently lie within this boundary will generally be relocated in accordance with separate and parallel procedures which are not affected by the Order. There will therefore be little if any small business impact. Any non-Olympic application by a small business that exceptionally is applied for within the Olympic boundary would be considered in the normal way by the ODA. Where it was unrelated to the Olympic Park, the ODA would have the option of delegating it to the relevant local authority.

#### **COMPETITION ASSESSMENT**

20. The proposals in this RIA do not have any impact on competition.

#### **ENFORCEMENT, SANCTIONS AND MONITORING**

##### **Enforcement**

21. Statutory planning enforcement powers exist and are unaffected by the options.

##### **Sanctions**

22. There are sanctions to ensure that planning decisions are monitored, and enforced if necessary, through the legal process.

**Monitoring and review**

23. A full Regulatory Impact Assessment will be issued following consultation. The ODA is intended to be a limited life organisation. Following the Olympic Games, it will be dissolved and a further Order laid to make provision for the transfer of its planning powers (as set out in section 5(6) of the Bill).

Jan 17, 2006